



HOUSE BILL 388: Durham/Electronic School Zones.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2021-2022 General Assembly

Committee: House Local Government. If favorable, re-**Date:** April 27, 2021
refer to Judiciary 1. If favorable, re-refer to
Transportation. If favorable, re-refer to
Education - K-12. If favorable, re-refer to
Rules, Calendar, and Operations of the House

Introduced by: Reps. Hawkins, Alston, Reives **Prepared by:** Jonathan Zator
Analysis of: First Edition **Committee Counsel**

OVERVIEW: House Bill 388 would allow the City of Durham (City) to establish a pilot program for the use of electronic speed-measuring systems to detect speed limit violations in school zones.

[As introduced, this bill was identical to S239, as introduced by Sens. Woodard, Murdock, which is currently in Senate Rules and Operations of the Senate.]

CURRENT LAW: Municipalities may establish school zone speed limits of no less than 20 miles per hour. A driver who exceeds an established school zone speed limit commits an infraction and must pay a penalty of two hundred fifty dollars (\$250.00) (G.S. 20-141.1).

If a driver is convicted of a violation, the Department of Motor Vehicles (DMV) assigns points to the driver's record (G.S. 20-16(c)). Upon accumulating set amounts of points, drivers may be subject to license suspension, revocation, a conference, or a driver improvement clinic (G.S. 20-16). Speeding in a school zone is worth 3 points.

The North Carolina Safe Driver Incentive Plan (Plan) provides for different insurance premiums between drivers based on their driving history (G.S. 58-36-65(b)). Plan points are charged for convictions and at-fault accidents. Speeding 10 miles per hour or less over a speed limit under 55 miles per hour and all other moving violations, including speeding in a school zone, are each worth 1 point. The Plan and insurance rate increases may be viewed at the following website:

https://files.nc.gov/doi/documents/consumer/publications/it-pays-to-be-a-safe-driver-insurance-points_cau1.pdf.

G.S. 15A-302 provides for citations, and G.S. 15A-401 provides for arrest by a law enforcement officer. A citation is a directive issued by a law enforcement officer that a person answer charges in court.

BILL ANALYSIS: House Bill 388 would allow the City, by December 1, 2021, to establish and implement a pilot program to use electronic speed-measuring systems to detect school zone speeding (Program). The bill would do the following:

- Define an electronic speed-measuring system (System) and authorize, set minimum standards, and require signage for the Program.
- Establish a noncriminal civil penalty of \$250 (no points assigned) and notice requirements for civil violations.
- Provide for determining penalty liability of the vehicle owner or actual operator.

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- Provide for using photographs taken by the System as evidence in criminal proceedings.
- Require a law enforcement officer to notify the City when the officer cites or arrests a vehicle owner or operator in an area where the System is in use pursuant to G.S. 20-141.1. If this occurs, the City would not issue a notice of a civil violation to the vehicle owner or operator or issue a civil penalty.
- Require the City to establish an administrative nonjudicial hearing process to review challenges to penalties assessed under this act, allow a person dissatisfied with the City's decision at the hearing to appeal the decision to the district court, and require the appeal to be made within 30 days of notification of a final decision by the City.
- Allow the City and the Durham Public Schools Board of Education to enter into an interlocal agreement to effectuate the act. The agreement could include cost-sharing and reimbursement.
- Require the City to pay a one-time fee of \$1,000 to the DMV before implementing the Program.
- Require the City, no later than three years after implementing the Program, to report the Program's results to the chairs of the Joint Legislative Transportation Oversight Committee and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety. The Program would expire upon the submission of this report.

EFFECTIVE DATE: This act would be effective when it becomes law and only apply to the City of Durham.