

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

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**HOUSE BILL 821**

Short Title: Evidence/Speed-Measuring Instruments. (Public)

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Sponsors: Representatives Glazier and Kiser (Primary Sponsors).

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Referred to: Judiciary IV.

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March 21, 2005

1                                   A BILL TO BE ENTITLED  
2 AN ACT RELATING TO THE ADMISSIBILITY OF THE RESULTS OF  
3 SPEED-MEASURING INSTRUMENTS.

4 The General Assembly of North Carolina enacts:

5                   **SECTION 1.** G.S. 8-50.2 reads as rewritten:

6 "**§ 8-50.2. Results of speed-measuring instruments; admissibility.**

7       (a) The results of the use of radio microwave, laser, or other speed-measuring  
8 instruments shall be admissible as evidence of the speed of an object in any criminal or  
9 civil proceeding for the purpose of corroborating the opinion of a person as to the speed  
10 of an object based upon the visual observation of the object by such person.

11       (b) Notwithstanding the provisions of subsection (a) of this section, the results of  
12 a radio microwave, laser, or other electronic speed-measuring instrument are not  
13 admissible in any proceeding unless it is found that:

14           (1) The operator of the instrument held, at the time the results of the  
15 speed-measuring instrument were obtained, a certificate from the  
16 North Carolina Criminal Justice Education and Training Standards  
17 Commission (hereinafter referred to as the Commission) authorizing  
18 him to operate the speed-measuring instrument from which the results  
19 were obtained.

20           (2) The operator of the instrument operated the speed-measuring  
21 instrument in accordance with the procedures established by the  
22 Commission for the operation of such instrument.

23           (3) The instrument employed was approved for use by the Commission  
24 and the Secretary of Crime Control and Public Safety pursuant to  
25 G.S. 17C-6.

26           (4) The speed-measuring instrument had been calibrated and tested for  
27 accuracy in accordance with the standards established by the  
28 Commission for that particular instrument.

1 (c) All radio ~~microwave~~ microwave, laser, and other electronic speed-measuring  
2 instruments shall be tested for accuracy within a 12-month period prior to the alleged  
3 violation by a technician possessing at least a ~~second-class or general radiotelephone~~  
4 ~~license from the Federal Communications Commission or a certification issued by~~  
5 ~~organizations or committees endorsed by the Federal Communications Commission~~  
6 ~~within a period of 12 months prior to the alleged violation.~~ General Radiotelephone  
7 Operator License from the Federal Communications Commissions or possessing a  
8 Certified Electronics Technician certificate issued by a Federal Communications  
9 Commission Commercial Operators License Examination Manager or by a laboratory  
10 established by the International Association of Chiefs of Police. A written certificate by  
11 ~~such the technician or laboratory~~ showing that the test was made within the required  
12 period and that the instrument was accurate shall be competent and prima facie evidence  
13 of those facts in any proceeding referred to in subsection (a) of this section.

14 All ~~laser~~ radio microwave, laser, and other speed enforcement instruments shall be  
15 tested in accordance with standards established by the North Carolina Criminal Justice  
16 Education and Training Standards Commission. The Commission shall provide for  
17 certification of ~~laser~~ all radio microwave, laser, and other speed enforcement  
18 instruments. ~~A written certificate by a technician certified by the Commission showing~~  
19 ~~that a test was made within the required testing period and that the instrument was~~  
20 ~~accurate shall be competent and prima facie evidence of those facts in any proceeding~~  
21 ~~referred to in subsection (a) of this section.~~

22 (d) In every proceeding where the results of a radio microwave, laser, or other  
23 speed-measuring instrument is sought to be admitted, judicial notice shall be taken of  
24 the rules approving the use of the models and types of radio ~~microwave~~ microwave,  
25 laser, and other speed-measuring instruments and the procedures for operation and  
26 calibration or measuring accuracy of such instruments."

27 **SECTION 2.** This act becomes effective October 1, 2005.