



Coates' Canons NC Local Government Law

New Legislation Authorizes Enforcement of School Zone Speed Limits Through Automated Cameras

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Author: Kara Millonzi

This post was authored by School of Government Faculty Member Shea Denning.

This legislative session the General Assembly authorized cities and counties to use automated traffic cameras and speed sensors to enforce speed limits in school zones. Enforcement of traffic laws through electronic means is not new to North Carolina; some local governments already use automated cameras to cite drivers who run red lights or pass stopped school buses. And more than 20 years ago, S.L. 2003-280 (H 562) authorized the City of Charlotte to use photographic speed-measuring systems during a three-year pilot program. Several other states, including Alabama, Illinois, Iowa, Ohio, Minnesota, and Washington, already use automated cameras and sensors to detect and sanction speeding. The National Highway Traffic Safety Administration lists speed safety camera enforcement as an effective countermeasure to reduce roadway fatalities and serious injuries, and researchers reported that the brief use of such systems in the Charlotte pilot program appeared “to have a positive effect on collisions and speed conformity.” This post will review the most recent North Carolina legislation, chaptered in S.L. 2025-47 (S 391), and consider questions that may arise for local governments interested in exercising this authority.

First, some background. G.S. 20-141.1 permits the North Carolina Board of Transportation or local authorities within their respective jurisdictions to enact ordinances setting speed limits lower than those designated in G.S. 20-141 (the general speed restriction statute) for areas near any public, private, or parochial school. Such a speed limit may not be set below 20 miles per hour (mph). These reduced speed limits are effective when signs are erected that give notice of the school zone, the authorized speed limit, and the days and hours that the lower limit is effective. (Alternatively, the reduced speed limit is effective when signs are erected that give notice of the school zone, the authorized speed limit, and the days and hours that the lower limit is effective by

an electronic flasher operated with a time clock.) Lower speed limits for school zones may be enforced only on days when school is in session. A violation of G.S. 20-141.1 is an infraction punishable by a penalty of \$250.

School zone speed limits historically have been exclusively enforced through live traffic patrol. There were more than 7,000 charges for this offense in 2024 and about 1,800 convictions. An officer who detects a school zone speeding violation may issue a citation to the driver that requires the person to either appear in district court to answer for the charge or to submit to the court a written appearance, admission of responsibility, and payment of \$250 plus court costs pursuant to the traffic offense waiver list. Before the enactment of Section 13 of S.L. 2025-47 (S 391) (effective October 1, 2025), local governments were not authorized to adopt ordinances providing for the administrative enforcement and sanctioning of school speed zone violations. *See* G.S. 153A-121(b) (specifying that counties' general ordinance-making powers do not confer authority to "regulate or control vehicular or pedestrian traffic on a street or highway under control of the Board of Transportation"); G.S. 160A-174(b)(6) (generally prohibiting cities from creating an ordinance offense identical to an offense defined by state law).

The specifics of the new legislation. S.L. 2025-47 (S 391) enacts new G.S. 160A-300.4 (applicable to cities) and G.S. 153A-246.1 (applicable to counties), virtually identical statutes authorizing the use of electronic speed-measuring systems to enforce school zone speed limits. These statutes and related provisions of the session law became effective October 1, 2025.

System requirements. An electronic speed-measuring system ("electronic system") is defined as a mobile or fixed device consisting of an automated traffic camera and sensor capable of measuring speed and producing a digital photograph of a motor vehicle violating a posted speed limit. *See* G.S. 153A-246.1(a); 160A-300.4(a). The electronic system must be approved by the North Carolina Criminal Justice Education and Training Standards Commission ("Commission") and the Secretary of Public Safety ("Secretary") and must be calibrated and tested for accuracy in accordance with standards established by the Commission and Secretary. *See* G.S. 153A-246.1(b) (requiring that electronic system be approved, calibrated, and tested for accuracy in accordance with new G.S. 8-50.4); 160A-300.4(b) (same). Advance warning signs must be conspicuously posted 1,000 feet or less from the location of an operational electronic system. *See* G.S. 153A-246.1(c); 160A-300.4(c).

Ordinance requirements. A city or county may adopt an ordinance allowing for the civil

enforcement of G.S. 20-141.1 by an electronic system. A person cited for violating such an ordinance may not also be charged with an infraction for that same violation. The ordinance must provide the following:

- A violation is subject to a civil penalty of \$250. No driver's license or insurance points may be assigned for a violation.
- A citation for the violation must be issued within 60 days of the date it occurred and must be served on the registered owner of the vehicle by first-class mail or pursuant to Rule 4 of the North Carolina Rules of Civil Procedure.
- The citation must contain:
 - A recorded image of the vehicle speeding;
 - The vehicle registration number and state of issuance;
 - The date, time, and location of the violation;
 - The recorded speed;
 - A copy of a certificate sworn to or affirmed by a law enforcement officer authorized to enforce the speed limit in the applicable school zone stating that based on inspection of the photograph(s), the vehicle was operated in violation of G.S. 20-141.1; and
 - The process for paying the civil penalty or contesting the violation.
- The registered owner of a vehicle is responsible for the violation unless the owner furnishes within 30 days of notification of the violation an affidavit stating (a) the name and address of the person or company who had care, custody, or control of the vehicle at the time of the violation or (b) that at the time of the violation the vehicle was stolen or in the care, custody, or control of some person who did not have the owner's permission to use the vehicle. If the owner provides the name and address of a person or company under (a), the local government may issue a citation to that person or company.
- If the owner does not pay the violation or respond to the citation within 30 days of receipt, the owner waives the right to contest responsibility and is subject to an additional penalty of up to \$50. In addition, if the owner of a motor vehicle who receives a citation fails to pay a penalty when due, the local government must notify the North Carolina Department of Motor Vehicles, which must refuse to register the motor vehicle pursuant to new G.S. 20-54(14).
- The local government must establish an administrative hearing process to review contested citations or penalties assessed under this section. (New G.S. 8-50.4 provides that the results obtained by an electronic system are admissible in such an administrative hearing.) A person may appeal an adverse decision to the district court in the county where the violation occurred within 30 days of notification of a final decision by the local government. Enforcement of an adverse decision is stayed pending the outcome of a timely appeal.

Cost sharing. The city or county, local board of education, and law enforcement agency may enter into a local agreement that may include provisions on cost-sharing and reimbursement. *See* G.S. 153A-246.1(e); 160A-300.4(e). The legality of cost-sharing arrangements for camera-based enforcement systems provided by vendors was, until recent years, in doubt. Litigants had challenged whether vendor payments that exceeded 10 percent of the proceeds collected violated the Fines and Forfeitures Clause of the North Carolina Constitution,

which requires that when the State or one of its political subdivisions collects a penalty or fine, the clear proceeds of that amount are owed to the public schools in the county where the violation occurred. *See N.C. Const. Art IX, § 7; see also G.S. 115C-437*(defining clear proceeds as the amount collected reduced by the actual costs of collection, which may not exceed 10 percent of the amount collected). Indeed, researchers reported that Charlotte’s pilot program was suspended in July 2006 “because of a lawsuit as to where program proceeds should be routed.” Moon, J.-P., & Hummer, J. E. (2010). Speed Enforcement Cameras in Charlotte, North Carolina: Estimation of Longer-Term Safety Effects. *Transportation Research Record, 2182*(1), 31-39. <https://doi.org/10.3141/2182-05>.

The North Carolina Supreme Court’s ruling in *Fearrington v. City of Greenville*, 386 N.C. 38 (2024) (discussed [here](#)), largely put to bed concerns about such cost-sharing arrangements. The Court in *Fearrington* upheld as constitutional an arrangement created pursuant to a local act and under which the city and school board remitted 30 percent of the proceeds collected from red light camera violations to a vendor and also paid the salary and benefits of a law enforcement officer who reviewed photographs to verify violations. The Court considered both amounts to be costs of collection and construed the local act as authorizing a departure from the otherwise applicable 10 percent statutory cap for costs of collection. Following *Fearrington*, it appears that a city or county and its school board may arrange with a vendor to share a substantial portion of the proceeds collected through an electronic system and may pay the salary and benefits of a law enforcement officer charged with verifying vendor-reported violations.

Questions. A local government considering the use of an electronic system to enforce speed limits in school zones may question whether, if it adopts an ordinance providing for such a system, it must require that all drivers who exceed the applicable speed limit by any detectible amount be issued a citation. While the statutes clearly authorize a local ordinance to cite every detected violation, see G.S. 153A-246.1(d) (referring to “a violation of G.S. 20-141.1”) and 160A-300.1(d) (same), I think there is room for argument about whether a governmental unit with an electronic system *must* do so.

Perhaps a local government may establish a threshold excess speed (forexample, exceeding the stated speed limit by 5 mph) and cite only drivers who meet or surpass this higher threshold. *Cf.* Minn. Stat. § 169.147 (providing that a citation based on a speed camera may only issue if the speeding violation is at least 10 mph over the speed limit and permitting authorities to set a

higher amount at which to proceed with citation). Enforcing only those violations that meet or exceed a threshold level might result in fewer contested citations (thereby consuming fewer local resources) and also would comport with the way people generally expect speed limits to be enforced by patrol officers. One might argue that the authorization to adopt such a threshold is implicit in the statute's grant of authority even though it is not so specified. On the other hand, it also is possible that the legislature's failure to differentiate among degrees of violation or to expressly grant authority to local governments to do so means that cities and counties must adopt an all-or-nothing approach.

Whatever the answer to this question, local governments do *not* appear to have the authority to adjust the penalty based on the extent of the violation. G.S. 153A-246.1(d)(2) and 160A-300.4(d)(2) require that a civil penalty of \$250 "shall be assessed," apparently affording local governments no discretion to reduce the amount of the monetary sanction for cited violations, even if they are issued for relatively minor transgressions.

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