

**12 NCAC 09C .0308 SPEED MEASUREMENT INSTRUMENT (SMI) OPERATORS
CERTIFICATION PROGRAM**

(a) Every person employed or appointed by the state or any political subdivision thereof as a law enforcement officer who uses a Speed Measuring Instrument for enforcement purposes shall hold certification from the Commission authorizing the officer to operate the speed measuring instrument.

(b) Standards Division staff shall issue certification in one of the following categories:

- (1) radar operator speed measurement instrument (SMI) certification or re-certification requiring successful completion of the training program as required in 12 NCAC 09B .0210, .0212, .0213, .0218, .0220, .0221, .0242, .0243, .0244, or .0245;
- (2) time-distance speed measurement instrument operator certification or re-certification requiring successful completion of the training program as required in 12 NCAC 09B .0211, .0213, .0214, .0219, .0221, .0222, .0244, or .0245;
- (3) lidar speed measurement instrument operator certification or re-certification requiring successful completion of the training program as required in 12 NCAC 09B .0237, .0238, .0239, .0240, .0242, .0243, .0244, or .0245.

(c) Certification in one or more categories reflects operational proficiency in the designated type(s) of approved equipment for which the trainee has been examined and tested. Such certification is for a three year period from the date of issue and re-certifications are for a three year period from the date of issue, unless sooner terminated by the Commission. The applicant shall meet the following requirements for operator certification or re-certification within 90 days of course completion and upon the presentation of documentary evidence showing that the applicant:

- (1) has successfully completed the training program as required in 12 NCAC 09B .0210, .0211, .0212, .0213, .0214, .0218, .0219, .0220, .0221, .0222, .0237, .0238, .0239, .0240, .0242, .0243, .0244, or .0245; and
- (2) has successfully completed a Commission-certified basic law enforcement training course as required in 12 NCAC 09B .0400 and is currently certified in a probationary status or holds general law enforcement certification; or
- (3) if the applicant is a sheriff, deputy sheriff, or other sworn appointee with arrest authority governed by the provisions of G.S. 17E has met and is in compliance with the employment and training standards as established and made effective for such position by the North Carolina Sheriffs' Education and Training Standards Commission.

(d) Certified operators shall be notified by the Commission not less than 90 days prior to expiration of certification. All applicants for re-certification shall successfully complete a Commission-approved re-certification course within 12 months from the expiration of the previous certification. If re-certification is not obtained within the 12 month period, successful completion of the appropriate operator training programs as required by 12 NCAC 09B .0409(a) shall be required to obtain operator certification. This prescribed 12 month period shall not extend the operator certification period beyond its specified expiration date. When a re-certification course is successfully completed prior to the expiration of the previous certification, the new certification shall be issued by the Criminal Justice Standards Division effective upon the receipt of the Post-Delivery Report of Training Course Presentation.

(e) Operator re-certification shall be issued only to officers with current law enforcement certification.

(f) All certifications issued pursuant to this Rule and the standards in effect between November 1, 1981 and July 1, 1982 shall continue with full force and effect; however, said certifications are subject to the provisions of 12 NCAC 09C .0308(d) and (e).

*History Note: Authority G.S. 17C-6;
 Eff. November 1, 1981;
 Readopted w/change Eff. July 1, 1982;
 Temporary Amendment Eff. February 24, 1984, for a period of 120 days to expire on June 22, 1984;
 Amended Eff. November 1, 2007; February 1, 2006; May 1, 2004; April 1, 1999; November 1, 1993; March 1, 1992; February 1, 1991; December 1, 1987;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
 Emergency Amendment Eff. May 5, 2020;
 Emergency Amendment Expired Eff. July 31, 2020.*