

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 272

Judiciary I Committee Substitute Adopted 3/24/99

Third Edition Engrossed 3/30/99

House Committee Substitute Favorable 5/18/99

Short Title: Local Photo Enforcement.

(Local)

Sponsors:

Referred to:

March 8, 1999

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE CITIES OF WILMINGTON, GREENVILLE, AND
2 GREENSBORO, AND THE TOWNS OF HUNTERSVILLE, MATTHEWS, AND
3 CORNELIUS TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE
4 EVIDENCE OF A TRAFFIC VIOLATION, AND TO PREVENT INSURANCE
5 POINTS FROM BEING ASSESSED.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. Section 1 of Chapter 216 of the 1997 Session Laws reads as
9 rewritten:

10 "Section 1. Chapter 160A of the General Statutes is amended by adding a new
11 section to read:

12 **'§ 160A-300.1. Use of traffic control photographic systems.**

13 (a) A traffic control photographic system is an electronic system consisting of a
14 photographic, video, or electronic camera and a vehicle sensor installed to work in
15 conjunction with an official traffic control device to automatically produce photographs,
16 video, or digital images of each vehicle violating a standard traffic control statute or
17 ordinance.

1 (b) Any traffic control photographic system or any device which is a part of that
2 system, as described in subdivision (a) of this section, installed on a street or highway
3 which is a part of the State highway system shall meet requirements established by the
4 North Carolina Department of Transportation. Any traffic control system installed on a
5 municipal street shall meet standards established by the municipality and shall be
6 consistent with any standards set by the Department of Transportation.

7 (c) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158
8 by means of a traffic control photographic system, as described in subsection (a) of this
9 section. Notwithstanding the provisions of G.S. 20-176, in the event that a municipality
10 adopts an ordinance pursuant to this section, a violation of G.S. 20-158 at a location at
11 which a traffic control photographic system is in operation shall not be an infraction. An
12 ordinance authorized by this subsection shall provide that:

13 (1) The owner of a vehicle shall be responsible for a violation unless the
14 owner can furnish evidence that the vehicle was, at the time of the
15 violation, in the care, custody, or control of another person. The owner
16 of the vehicle shall not be responsible for the violation if the owner of
17 the vehicle, within 21 days after notification of the violation, furnishes
18 the officials or agents of the municipality which issued the citation:

19 a. The name and address of the person or company who leased,
20 rented, or otherwise had the care, custody, and control of the
21 vehicle; or

22 b. An affidavit stating that the vehicle involved was, at the time,
23 stolen or in the care, custody, or control of some person who did
24 not have permission of the owner to use the vehicle.

25 (2) A violation detected by a traffic control photographic system shall be
26 deemed a noncriminal violation for which a civil penalty of fifty dollars
27 (\$50.00) shall be assessed, and for which no points authorized by G.S.
28 20-16(c) shall be assigned to the owner or driver of the ~~vehicle~~. vehicle
29 nor insurance points as authorized by G.S. 58-36-65.

30 (3) The owner of the vehicle shall be issued a citation which shall clearly
31 state the manner in which the violation may be challenged, and the
32 owner shall comply with the directions on the citation. The citation
33 shall be processed by officials or agents of the municipality and shall be
34 forwarded by personal service or first-class mail to the address given on
35 the motor vehicle registration. If the owner fails to pay the civil penalty
36 or to respond to the citation within the time period specified on the
37 citation, the owner shall have waived the right to contest responsibility
38 for the violation, and shall be subject to a civil penalty not to exceed one
39 hundred dollars (\$100.00). The municipality may establish procedures
40 for the collection of these penalties and may enforce the penalties by
41 civil action in the nature of debt.

1 (4) The municipality shall institute a nonjudicial administrative hearing to
2 review objections to citations or penalties issued or assessed under this
3 section."

4 Section 2. Section 2 of Chapter 216 of the 1997 Session Laws, as amended by
5 Chapter 17 of the 1999 Session Laws, reads as rewritten:

6 "Section 2. This act applies to the Cities of ~~Charlotte and Fayetteville only.~~ Charlotte,
7 Fayetteville, Greenville, Wilmington, and Greensboro, and the Towns of Huntersville,
8 Matthews, and Cornelius only."

9 Section 3. This act is effective when it becomes law.