

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 1151
May 20, 2014
HOUSE PRINCIPAL CLERK

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HOUSE DRH30748-RW-25A* (04/08)

Short Title: Fayetteville Red Light Changes. (Local)

Sponsors: Representatives Floyd, Szoka, Lucas, and Glazier (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO THE LAW GOVERNING RED LIGHT CAMERAS IN
3 FAYETTEVILLE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 160A-300.1(c), as amended by S.L. 2007-341, reads as
6 rewritten:

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

13 (1) The owner of a vehicle shall be responsible for a violation unless the owner
14 can furnish evidence that the vehicle was, at the time of the violation, in the
15 care, custody, or control of another person. The owner of the vehicle shall
16 not be responsible for the violation if the owner of the vehicle, within 30
17 days after the date of personal service or mailing of notification of the
18 violation, furnishes the officials or agents of the municipality which issued
19 the citation either of the following:

- 20 a. An affidavit stating the name and address of the person or company
21 who had the care, custody, and control of the vehicle.
22 b. An affidavit stating that the vehicle involved was, at the time, stolen.
23 The affidavit must be supported with evidence that supports the
24 affidavit, including insurance or police report information.

25 (1a) Subdivision (1) of this subsection shall not apply, and the registered owner
26 of the vehicle shall not be responsible for the violation, if notice of the
27 violation is given to the registered owner of the vehicle more than 90 days
28 after the date of the violation.

29 (2) A violation detected by a traffic control photographic system shall be
30 deemed a noncriminal violation for which a civil penalty of seventy-five
31 dollars (\$75.00) shall be assessed, and for which no points authorized by
32 G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle nor
33 insurance points as authorized by G.S. 58-36-65.

34 (3) The owner of the vehicle shall be issued a citation which shall clearly state
35 when the penalty is due and the manner in which the violation may be
36 challenged. The owner shall comply with the directions on the citation. The



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1 citation shall be processed by officials or agents of the municipality and shall
2 be forwarded by personal service or first-class mail to the address given on
3 the motor vehicle registration. If the owner fails to pay the civil penalty or to
4 respond to the citation within 30 days after the date the citation is served or
5 mailed, the owner shall have waived the right to contest responsibility for
6 the violation, and shall be subject to a civil penalty not to exceed one
7 hundred dollars (\$100.00). The municipality may establish procedures for
8 the collection of these penalties and may enforce the penalties by civil action
9 in the nature of debt.

10 (4) The municipality shall institute a nonjudicial administrative hearing to
11 review objections to citations or penalties issued or assessed under this
12 section.

13 (4a) A municipality enacting an ordinance implementing a traffic control
14 photographic system may enter into a contract with a contractor for the
15 lease, lease-purchase, or purchase of the system. The municipality may enter
16 into only one contract for the lease, lease-purchase, or purchase of the
17 system, and the duration of the contract may be for no more than 60 months.
18 After the period specified in the contract has expired, the system shall either
19 be the property of the municipality, or the system shall be removed and
20 returned to the contractor.

21 (5) The clear proceeds from the citations issued pursuant to an ordinance
22 authorized by this section shall be paid to the local school board. The clear
23 proceeds from the citations shall mean the funds remaining after paying for
24 the lease, lease-purchase, or purchase of the traffic control photographic
25 system; paying a contractor for operating the system; and paying any
26 administrative costs incurred by the municipality related to the operation of
27 the system. For the purposes of determining the clear proceeds derived from
28 the citations, the~~The following additional expenses, not to exceed ten percent~~
29 (10%) of the civil penalty assessed pursuant to subdivision (2) of this
30 subsection, are authorized to be deducted from each civil penalty assessed
31 pursuant to the provisions of subdivision (2) of this subsection:

32 a. The cost of materials and postage directly related to the printing and
33 mailing of the first and second notices sent to the owner and, if
34 necessary, the driver of the vehicle.

35 b. The cost of computer services directly related to the production and
36 mailing of the notices described in sub-subdivision a. of this
37 subdivision.

38 (6) The municipality may assess a collection assistance fee against the owner
39 and, if necessary, driver of the vehicle under the conditions in this
40 subdivision. Amounts collected must be credited first to the payment of the
41 civil penalty and then to collection assistance fee. The conditions are as
42 follows:

43 a. The civil penalty has not been paid within 30 days after the personal
44 service or first-class mailing of a second notice that the penalty is
45 due. The second notice must be served or mailed no sooner than 30
46 days after the day the first notice was served or mailed and must
47 contain a notice stating that a collection assistance fee will be
48 assessed if the penalty is not paid within 30 days after the service or
49 mailing of the second notice, the date when the collection assistance
50 fee will be assessed, and the amount of the collection assistance fee.
51 The collection assistance fee shall not exceed twenty percent (20%)

1 of the civil penalty assessed pursuant to subdivision (2) of this
2 subsection.
3 b. Collection assistance fees shall be placed in a separate fund that may
4 be used only for the purpose of paying for the costs of collection
5 expended to collect civil penalties that remain unpaid 30 days after
6 the service or mailing of the second notice required pursuant to
7 sub-subdivision a. of this subdivision."

8 **SECTION 2.** G.S. 160A-300.1(c)(2), as amended by S.L. 2007-341, and by
9 Section 1 of this act, reads as rewritten:

10 "(2) A violation detected by a traffic control photographic system shall be
11 deemed a noncriminal violation for which a civil penalty of ~~seventy five~~
12 ~~dollars (\$75.00)~~ one hundred dollars (\$100.00) shall be assessed, and for
13 which no points authorized by G.S. 20-16(c) shall be assigned to the owner
14 or driver of the vehicle nor insurance points as authorized by
15 G.S. 58-36-65."

16 **SECTION 3.** This act applies to the City of Fayetteville only.

17 **SECTION 4.** Sections 1, 3, and 4 of this act become effective July 1, 2014. Section
18 2 of this act becomes effective July 1, 2015.