

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1045

Short Title: Red Light Photo Citations.

(Public)

Sponsors: Representative Shubert.

Referred to: Judiciary II.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO USE PHOTOGRAPHIC
IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION.

The General Assembly of North Carolina enacts:

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

"§ 160A-300.1. Use of traffic control photographic systems.

(a) Traffic control photographic systems.

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

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

1 (b) Municipalities and counties may adopt ordinances for the enforcement of G.S.
2 20-141, 20-141.1, 20-143, or 20-158 by means of a traffic control photographic system,
3 as described in subsection (a) of this section. An ordinance authorized by this subsection
4 shall provide that:

5 (1) The owner of a vehicle shall be responsible for a violation under this
6 section unless the owner can furnish evidence that the vehicle was, at
7 the time of the violation, in the care, custody, or control of another
8 person. In those instances, the owner of the vehicle shall, within 21
9 days after notification of the violation, furnish the officials or agents of
10 the municipality or county which issued the citation, the name and
11 address of the person or company who leased, rented, or otherwise had
12 the care, custody, and control of the vehicle. The owner of the vehicle
13 shall not be responsible for the violation if the vehicle involved was, at
14 the time, stolen or in the care, custody, or control of some person who
15 did not have permission of the owner to use the vehicle.

16 (2) The violation of this section detected by a traffic control photographic
17 system shall be deemed a noncriminal violation for which a civil penalty
18 of fifty dollars (\$50.00) shall be assessed and a violation for which no
19 points authorized by G.S. 20-16(c) shall be assigned to the owner or
20 driver of the vehicle.

21 (3) The owner of the vehicle shall be issued a citation and shall comply
22 with the directions on the citation. The citation shall be processed by
23 officials or agents of the municipality or county and shall be forwarded
24 by first-class mail to the address given on the motor vehicle registration.
25 Personal service on the owner of the vehicle shall not be required. In
26 the event that payment of the civil penalty is not received or a response
27 to the citation is not made within the time period specified on the
28 citation, the owner shall be deemed to have waived his right to pay the
29 civil penalty, and the officials or agents making the original mailing of
30 the citation shall submit a copy of the citation to the district attorney for
31 submission to the district court. The court shall find that failing to make
32 payment of the civil penalty the owner shall be deemed to have been
33 convicted of a violation under this section and shall be subject to a fine
34 not to exceed one hundred dollars (\$100.00), and the court shall take
35 appropriate measures to enforce collection of the fine. A municipality
36 or county may substitute a nonjudicial administrative hearing for the
37 process of submittal to the district attorney and the court. The owner of
38 the vehicle issued the citation under this section shall have a right to
39 appeal from the administrative hearing to the district court.

40 (4) Any person who elects to appear before a district court to present
41 evidence shall be deemed to have waived his right to pay a civil penalty.
42 A certificate sworn to or affirmed by a technical employed by or under
43 contract to the municipality or county where the violation occurred, or a

1 facsimile of that certificate, based on the inspection of photographs or
2 other recorded images produced by a traffic control photographic
3 system shall be prima facie evidence of the facts contained in the sworn
4 certificate. The court, after a hearing, shall make a determination as to
5 whether a violation of this section has been committed and, if a
6 violation is determined, shall impose a fine not to exceed one hundred
7 dollars (\$100.00) and additional court costs. If the fine and court costs
8 have not been paid within the time specified by the court, the court shall
9 take appropriate measures to enforce collection."

10 Section 2. This act is effective when it becomes law.