

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 536

Short Title: Statewide Use of Red Light Cameras.

(Public)

Sponsors: Representative Ellis.

Referred to: Judiciary II.

March 8, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ALL MUNICIPALITIES IN THE STATE TO USE
TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-300.1 reads as rewritten:

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

(a) 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.

(b) Any traffic control photographic system or any device which is a part of that system, as described in subdivision (a) of this section, installed 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 installed on a municipal street shall meet standards established by the municipality and shall be consistent with any standards set by the Department of Transportation.

(b1) Any traffic control photographic system installed on a street or highway ~~must~~ shall be identified by appropriate advance warning signs conspicuously posted not more than 300 feet from the location of the traffic control photographic system. All advance warning signs shall be consistent with a statewide standard adopted by the Department of Transportation in conjunction with local governments authorized to install traffic control photographic systems.

(c) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158 by means of a traffic control photographic system, as described in subsection (a) of this section. Notwithstanding the provisions of G.S. 20-176, in the event that a municipality adopts an ordinance pursuant to this section, a violation of G.S. 20-158 at a location at

1 which a traffic control photographic system is in operation shall not be an infraction. An
2 ordinance authorized by this subsection shall provide that:

3 (1) The owner of a vehicle shall be responsible for a violation unless the
4 owner can furnish evidence that the vehicle was, at the time of the
5 violation, in the care, custody, or control of another person. The owner
6 of the vehicle shall not be responsible for the violation if the owner of
7 the vehicle, within 21 days after notification of the violation, furnishes
8 the officials or agents of the municipality which issued the citation:

- 9 a. The name and address of the person or company who leased,
10 rented, or otherwise had the care, custody, and control of the
11 vehicle; or
- 12 b. An affidavit stating that the vehicle involved was, at the time,
13 stolen or in the care, custody, or control of some person who
14 did not have permission of the owner to use the vehicle.

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

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

32 (4) The municipality shall institute a nonjudicial administrative hearing to
33 review objections to citations or penalties issued or assessed under this
34 section.

35 (d) ~~This act applies to the Cities of Charlotte, Fayetteville, Greensboro, High
36 Point, Rocky Mount, Wilmington, Greenville, and Lumberton, and the Towns of Chapel
37 Hill, Cornelius, Huntersville, Matthews, and Pineville only.~~

38 The number of traffic control photographic systems which a municipality may use
39 shall be limited as follows:

<u>Municipal Population</u>	<u>Number of Systems</u>
40 <u>Less than 10,000</u>	41 <u>1</u>
42 <u>10,000 to 50,000</u>	43 <u>2</u>
43 <u>Greater than 50,000</u>	44 <u>1 plus 1 for every 50,000 or fraction."</u>

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SECTION 2. This act is effective when it becomes law.