

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 831
HOUSE BILL 1042

AN ACT TO AMEND CHAPTER 17B OF THE GENERAL STATUTES BY AMENDING G.S. 17B-1 TO INCLUDE ADDITIONAL DEFINITIONS AND BY ADDING A NEW SECTION TO BE DESIGNATED G.S. 17B-3.1 TO GRANT TO THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING SYSTEM COUNCIL THE AUTHORITY TO REGULATE TRAFFIC UPON THE GROUNDS OF THE NORTH CAROLINA JUSTICE EDUCATION AND TRAINING CENTER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 17B-1 is hereby rewritten to read as follows:

"§ 17B-1. Definitions. — As used in this Chapter, unless the context otherwise requires:

'Campus' means that Center property located in Salemburg, North Carolina.

'Center' means the North Carolina Criminal Justice Education and Training Center.

'Center property' means property that is owned or leased in whole or in part by the State of North Carolina and which is subject to the general management and control of the Department of Justice and is located in Salemburg, North Carolina.

'The council' means the North Carolina Criminal Justice Education and Training System Council.

'Criminal Justice agencies' means the State and local law enforcement agencies, the State and local police traffic service agencies, the State correctional agencies, the jails and other correctional agencies maintained by local governments, and the courts of the State.

'Department' means the Department of Justice."

Sec. 2. Chapter 17B of the General Statutes is hereby amended by adding a new section to be designated G.S. 17B-3.1 and to read as follows:

"§ 17B-3.1. Application of State highway and motor vehicles laws at North Carolina Criminal Justice Education and Training Center. — (a) Except as otherwise provided in this section, all of the provisions of Chapter 20 of the General Statutes relating to the use of highways of the State and the operation of vehicles thereon are applicable to all streets, alleys, driveways, and parking lots on Center property. Nothing in this section modifies any rights of ownership or control of Center property, now or hereafter vested in the State of North Carolina ex rel, Department of Justice.

(b) The council may by ordinance prohibit, regulate, divert, control, and limit pedestrian or vehicular traffic and the parking of vehicles and other modes of conveyance on the campus. In fixing speed limits, the council is not subject to G.S. 20-141(f) or (g), but may fix any speed limit reasonable and safe under the circumstances as conclusively determined by the council. The council may not regulate traffic on streets open to the public as of right, except as specifically provided in this section.

(c) The council may by ordinance provide for the registration of vehicles maintained or operated on the campus by any student, faculty member, or employee of the Center, and may fix fees for such registration. The ordinance may make it unlawful for any person to operate an unregistered vehicle on the campus when the vehicle is required by the ordinance to be registered.

(d) The council may by ordinance set aside parking lots on the campus for use by students, faculty, and employees of the Center and members of the general public attending schools, conferences, or meetings at the Center, visiting or making use of any Center facilities, or attending to official business with the Center. The council may issue permits to park in these lots and may charge a fee therefor. The council may also by ordinance make it unlawful for any person to park a vehicle in any lot or other parking facility without procuring the requisite permit and displaying it on the vehicle.

(e) The council may by ordinance provide for the issuance of stickers, decals, permits or other indicia representing the registration status of vehicles or the eligibility of vehicles to park on the campus and may by ordinance prohibit the forgery, counterfeiting, unauthorized transfer, or unauthorized use of such stickers, decals, permits or other indicia.

(f) Violation of an ordinance adopted under any portion of this section is a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than 30 days, in the discretion of the court. An ordinance may provide that certain acts prohibited thereby shall not be enforced by criminal sanctions, and in such cases a person committing any such act shall not be guilty of a misdemeanor.

(g) An ordinance adopted under any portion of this section may provide that a violation will subject the offender to a civil penalty. Penalties may be graduated according to the seriousness of the offense or the number of prior offenses committed by the person charged. The council may establish procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of debt. The council may also provide for appropriate administrative sanctions if an offender does not pay a validly due penalty or has committed repeated offenses. Appropriate administrative sanctions include, but are not limited to, revocation of parking permits, termination of vehicle registration, and termination or suspension of enrollment in or employment by the Center.

(h) An ordinance adopted under this section may provide that any vehicle illegally parked may be removed to a storage area, in which case the person so removing the vehicle shall be deemed a legal possessor within the meaning of G.S. 44A-2(d).

(i) Evidence that a vehicle was found parked or unattended in violation of a council ordinance is *prima facie* evidence that the vehicle was parked by:

- (1) the person holding a Center parking permit for the vehicle; or
- (2) if no Center parking permit has been issued for the vehicle, the person in whose name the vehicle is registered with the Center pursuant to subsection (c); or
- (3) if no Center parking permit has been issued for the vehicle and the vehicle is not registered with the Center, the person in whose name it is registered with the North Carolina Department of Motor Vehicles or the corresponding agency of another state or nation.

The rule of evidence established by this subsection applies only in civil, criminal, or administrative actions or proceedings concerning violations of ordinances of the council. G.S. 20-162.1 does not apply to such actions or proceedings.

(j) The council shall cause to be posted appropriate notice to the public of applicable traffic and parking restrictions.

(k) All ordinances adopted under this section shall be recorded in the minutes of the council and copies thereof shall be filed in the offices of the North Carolina Attorney General and the Secretary of State. The council shall provide for printing and distributing copies of its traffic and parking ordinances.

(l) All moneys received pursuant to this section shall be placed in a trust account and may be used for any of the following purposes:

- (1) to defray the cost of administering and enforcing ordinances adopted under this section;

- (2) to develop, maintain, and supervise parking areas and facilities;
- (3) other purposes related to parking, traffic, and transportation on the campus."

Sec. 3. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1977.