

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 695
Second Edition Engrossed 4/24/03

Short Title: Troy Red Light Cameras. (Local)

Sponsors: Representative Gibson.

Referred to: Local Government I.

March 27, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE TOWN OF TROY TO USE TRAFFIC CONTROL
3 PHOTOGRAPHIC SYSTEMS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Section 3 of S.L. 2001-286 reads as rewritten: `

6 "SECTION 3. Article 15 of Chapter 160A of the General Statutes is amended by
7 adding a new section to read:

8 "§ 160A-300.2. Use Alternate method for use of traffic control photographic
9 systems in Wake County systems; clear proceeds to local board of
10 education.

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

16 (b) Any traffic control photographic system or any device which is a part of that
17 system, as described in subsection (a) of this section, installed on a street or highway
18 which is a part of the State highway system shall meet requirements established by the
19 North Carolina Department of Transportation. Any traffic control system installed on a
20 municipal street shall meet standards established by the municipality and shall be
21 consistent with any standards set by the Department of Transportation.

22 (c) Any traffic control photographic system installed on a street or highway shall
23 be identified by appropriate advance warning signs conspicuously posted not more than
24 300 feet from the location of the traffic control photographic system. All advance
25 warning signs shall be consistent with a statewide standard adopted by the Department
26 of Transportation in conjunction with local governments authorized to install traffic
27 control photographic systems.

28 (d) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158
29 by means of a traffic control photographic system, as described in subsection (a) of this

1 section. If a municipality adopts an ordinance pursuant to this section then,
2 notwithstanding G.S. 20-176, a violation of G.S. 20-158 detected only by a traffic
3 control photographic system shall not be an infraction. If a violation of G.S. 20-158 is
4 detected by both a law enforcement officer and a traffic control photographic system,
5 the officer may charge the offender with an infraction. If the officer charges the
6 offender with an infraction, a civil penalty issued by the municipality for the same
7 offense is void and unenforceable. An ordinance authorized by this subsection shall
8 provide that:

9 (1) The owner of a vehicle shall be responsible for a violation unless the
10 owner can furnish evidence that the vehicle was, at the time of the
11 violation, in the care, custody, or control of another person. The owner
12 of the vehicle shall not be responsible for the violation if the owner of
13 the vehicle, within 21 days after receiving notification of the violation,
14 furnishes the office of the mayor of the municipality that issued the
15 citation:

- 16 a. The name and address of the person or company who leased,
17 rented, or otherwise had the care, custody, and control of the
18 vehicle;
- 19 b. An affidavit stating that the vehicle involved was, at the time,
20 stolen or in the care, custody, or control of some person who
21 did not have permission of the owner to use the vehicle; or
- 22 c. A statement that the person who received the citation is not the
23 owner or driver of the vehicle, or that the person who received
24 the citation was not driving a vehicle at the time and location
25 designated in the citation.

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

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

1 (4) The municipality shall establish a nonjudicial administrative hearing
2 process to review objections to citations or penalties issued or assessed
3 under this section. The municipality may establish an appeals panel
4 composed of municipal employees to review objections. If the
5 municipality does not establish an appeals panel composed of
6 municipal employees, the mayor of the municipality shall review and
7 make a final decision on all objections.

8 (e) The duration of the yellow light change interval at intersections where traffic
9 control photographic systems are in use shall be no less than the yellow light change
10 interval duration specified in the Design Manual developed by the Signals and
11 Geometrics Section of the North Carolina Department of Transportation.

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

19 (g) The clear proceeds from the citations issued pursuant to the ordinance
20 authorized by this section shall be paid to the county school fund. The clear proceeds
21 from the citations shall mean the funds remaining after paying for the lease,
22 lease-purchase, or purchase of the traffic control photographic system; paying a
23 contractor for operating the system; and paying any administrative costs incurred by the
24 municipality related to the use of the system.

25 (h) This section applies only to the municipalities in ~~Wake County County, and~~
26 the Town of Troy. For purposes of this section, a municipality is in Wake County if
27 fifty-one percent (51%) or more of the land area of the municipality lies within Wake
28 County."

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