

1 section. Notwithstanding the provisions of G.S. 20-176, in the event that a municipality
2 adopts an ordinance pursuant to this section, a violation of G.S. 20-158 at a location at
3 which a traffic control photographic system is in operation shall not be an infraction. An
4 ordinance authorized by this subsection shall provide that:

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

11 a. The name and address of the person or company who leased,
12 rented, or otherwise had the care, custody, and control of the
13 vehicle; or

14 b. An affidavit stating that the vehicle involved was, at the time,
15 stolen or in the care, custody, or control of some person who
16 did not have permission of the owner to use the vehicle.

17 (2) Subdivision (1) of this subsection shall not apply if the registered
18 owner of the vehicle has leased or rented the vehicle to another person
19 or company and if, after receiving notification of the civil violation
20 within 90 days of the date of occurrence, the owner, within 30 days
21 thereafter, files with the officials or agents of the municipality an
22 affidavit including the name and address of the person or company that
23 leased or rented the vehicle. If notification is given to the owner of the
24 vehicle after 90 days have elapsed from the date of the violation, the
25 owner is not required to provide the name and address of the lessee or
26 renter and the owner shall not be held responsible for the violation.

27 ~~(2)~~(3) A violation detected by a traffic control photographic system shall be
28 deemed a noncriminal violation for which a civil penalty of fifty
29 dollars (\$50.00) shall be assessed, and for which no points authorized
30 by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle
31 nor insurance points as authorized by G.S. 58-36-65.

32 ~~(3)~~(4) The owner of the vehicle shall be issued a citation which shall clearly
33 state the manner in which the violation may be challenged, and the
34 owner shall comply with the directions on the citation. The citation
35 shall be processed by officials or agents of the municipality and shall
36 be forwarded by personal service or first-class mail to the address
37 given on the motor vehicle registration. If the owner fails to pay the
38 civil penalty or to respond to the citation within the time period
39 specified on the citation, the owner shall have waived the right to
40 contest responsibility for the violation, and shall be subject to a civil
41 penalty not to exceed one hundred dollars (\$100.00). The municipality
42 may establish procedures for the collection of these penalties and may
43 enforce the penalties by civil action in the nature of debt.

1 ~~(4)~~(5) The municipality shall institute a nonjudicial administrative hearing to
2 review objections to citations or penalties issued or assessed under this
3 section."

4 **SECTION 3.** This act is effective when it becomes law.