

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1228
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Short Title: Stop Light Cameras in Certain Municipalities.

(Local)

Sponsors:

Referred to:

March 29, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR AN INCREASE IN THE PENALTY SET FOR A RED LIGHT VIOLATION DETECTED BY A CAMERA; TO REQUIRE THAT THE CLEAR PROCEEDS OF EACH PENALTY COLLECTED BE TRANSFERRED TO THE LOCAL SCHOOL BOARD; TO DEFINE WHAT AMOUNTS MAY BE DEDUCTED FROM EACH PENALTY BY A MUNICIPALITY TO ARRIVE AT THE AMOUNT OF CLEAR PROCEEDS FROM EACH CIVIL PENALTY THAT MUST BE TRANSFERRED TO THE LOCAL SCHOOL BOARD; AND TO PERMIT A COLLECTION ASSISTANCE FEE TO BE COLLECTED FROM THE RESPONSIBLE PARTY IF THE CIVIL PENALTY IS NOT PAID WITHIN A SPECIFIED TIME.

The General Assembly of North Carolina enacts:

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

"§ 160A-300.1. Use of 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 which a traffic control photographic system is in operation shall not be an infraction. An ordinance authorized by this subsection shall provide that:

(1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within 30 days after the date of personal service or

1 mailing of notification of the violation, furnishes the officials or agents
2 of the municipality which issued the citation either of the following:

3 a. An affidavit stating the name and address of the person or
4 company who had the care, custody, and control of the vehicle.

5 b. An affidavit stating that the vehicle involved was, at the time,
6 stolen. The affidavit must be supported with evidence that
7 supports the affidavit, including insurance or police report
8 information.

9 (1a) Subdivision (1) of this subsection shall not apply, and the registered
10 owner of the vehicle shall not be responsible for the violation, if notice
11 of the violation is given to the registered owner of the vehicle more
12 than 90 days after the date of the violation.

13 (2) A violation detected by a traffic control photographic system shall be
14 deemed a noncriminal violation for which a civil penalty of ~~fifty~~
15 ~~dollars (\$50.00)~~ seventy-five dollars (\$75.00) shall be assessed, and
16 for which no points authorized by G.S. 20-16(c) shall be assigned to
17 the owner or driver of the vehicle nor insurance points as authorized
18 by G.S. 58-36-65.

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

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

36 (5) The clear proceeds from the citations issued pursuant to an ordinance
37 authorized by this section shall be paid to the local school board. For
38 the purposes of determining the clear proceeds derived from the
39 citations, the following expenses, not to exceed ten percent (10%) of
40 the civil penalty assessed pursuant to subdivision (2) of this
41 subsection, are authorized to be deducted from each civil penalty
42 assessed pursuant to the provisions of subdivision (2) of this
43 subsection:

- 1 a. The cost of materials and postage directly related to the printing
- 2 and mailing of the first and second notices sent to the owner
- 3 and, if necessary, the driver of the vehicle.
- 4 b. The cost of computer services directly related to the production
- 5 and mailing of the notices described in sub-subdivision a. of
- 6 this subdivision.
- 7 (6) The municipality may assess a collection assistance fee against the
- 8 owner and, if necessary, driver of the vehicle under the following
- 9 conditions:
- 10 a. The civil penalty has not been paid within 30 days after the
- 11 personal service or first-class mailing of a second notice that the
- 12 penalty is due. The second notice must be served or mailed no
- 13 sooner than 30 days after the day the first notice was served or
- 14 mailed and must contain a notice stating that a collection
- 15 assistance fee will be assessed if the penalty is not paid within
- 16 30 days after the service or mailing of the second notice, the
- 17 date when the collection assistance fee will be assessed, and the
- 18 amount of the collection assistance fee. The collection
- 19 assistance fee shall not exceed twenty percent (20%) of the civil
- 20 penalty assessed pursuant to subdivision (2) of this subsection.
- 21 b. Collection assistance fees shall be placed in a separate fund that
- 22 may be used only for the purpose of paying for the costs of
- 23 collection expended to collect civil penalties that remain unpaid
- 24 30 days after the service or mailing of the second notice
- 25 required pursuant to sub-subdivision a. of this subdivision.
- 26 Amounts collected must be credited first to the payment of the civil
- 27 penalty and then to collection assistance fee.

28 "

29 **SECTION 2.** G.S. 160A-300.1(d) reads as rewritten:

30 "(d) This section applies only to the Cities of Albemarle, Charlotte, Durham,
 31 Fayetteville, Greensboro, Greenville, High Point, Locust, Lumberton, Newton, Rocky
 32 Mount, and Wilmington, to the Towns of Chapel Hill, Cornelius, Huntersville,
 33 Matthews, Nags Head, Pineville, and Spring Lake, and to the municipalities in Union
 34 County."

35 **SECTION 3.** Section 1 of this act applies to the Cities of Albemarle,
 36 Fayetteville, Locust, Monroe, and Rocky Mount and the Towns of Marshville and
 37 Wingate only."

38 **SECTION 3.** This act becomes effective September 1, 2007, and applies to
 39 offenses committed on or after that date.