

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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HOUSE BILL 87

Short Title: License Plate Reader Systems in State ROWs. (Public)

Sponsors: Representatives Faircloth, Torbett, McNeill, and Ross (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, Rules, Calendar, and Operations of the House

February 18, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE INSTALLATION AND USE OF AUTOMATIC LICENSE
3 PLATE READER SYSTEMS IN STATE RIGHTS-OF-WAY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 136-18 is amended by adding a new subdivision to read:

6 "(46) For purposes of this subdivision, the term (i) "public utility" means any of the
7 following: a public utility, as defined in G.S. 62-3(23); an electric membership
8 corporation; telephone membership corporation; a joint municipal power
9 agency; or a city or county engaged in producing, generating, transmitting,
10 delivering, or furnishing electricity for private or public use, and (ii)
11 "automatic license plate reader system" is as defined in G.S. 20-183.30. The
12 Department shall have the following powers related to automatic license plate
13 reader systems:

14 a. To enter into agreements with municipalities, counties, and other
15 governmental entities for the use of and encroachment upon the
16 right-of-way of any road designated as part of the State highway
17 system for the installation and use of automatic license plate reader
18 systems; provided that (i) the agreements do not unreasonably
19 interfere with the use of the right-of-way by a public utility with
20 facilities already located within the right-of-way, (ii) the use shall
21 immediately be terminated and the automatic license plate reader
22 system and any related equipment removed upon request by any
23 affected public utility, and (iii) the entity installing the automatic
24 license plate reader system complies with the provisions of Article 8A
25 of Chapter 87 of the General Statutes.

26 b. To approve requests by municipalities, counties, and other
27 governmental entities to use land or right-of-way owned by the
28 Department of Transportation that is encumbered by utility easements,
29 or otherwise being lawfully occupied by a public utility, for the
30 installation and use of automatic license plate reader systems;
31 provided that (i) the use of the land or right-of-way is temporary in
32 nature; (ii) the automatic license plate reader system shall be
33 completely aboveground, easily moveable, and contain no
34 combustible fuel; (iii) the use shall not unreasonably interfere with the
35 operation and maintenance of the utility facilities or cause the utility



1 facilities to fail to comply with all applicable laws, codes, and
2 regulatory requirements; (iv) the use shall immediately be terminated
3 and the automatic license plate reader system and any related
4 equipment removed upon request by any affected public utility; and
5 (v) the use shall comply with provisions of Article 8A of Chapter 87
6 of the General Statutes. The affected public utility shall have the right
7 to move the automatic license plate reader system in the event that the
8 public utility needs immediate access to its utility facilities and, in such
9 event, shall only be liable for damages to the automatic license plate
10 reader system caused solely by its gross negligence or willful
11 misconduct.

12 c. Nothing in this subdivision shall relieve any entity, public or private,
13 of its obligation to comply with the provisions of Article 8A of Chapter
14 87 of the General Statutes."

15 **SECTION 2.** G.S. 20-183.31 is amended by adding a new subsection to read:

16 "(d) An automatic license plate reader system installed within a right-of-way by agreement
17 under G.S. 136-18(46) shall not be used for enforcement of traffic violations that are infractions
18 or include failure to obey traffic signals or exceeding the speed limit."

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