

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1228

Short Title: Stop Light Cameras in Union County.

(Local)

Sponsors: Representative Gibson (By Request).

Referred to: Judiciary I.

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 AND TO DEFINE WHAT CLEAR PROCEEDS SHALL BE TRANSFERRED TO THE SCHOOL SYSTEM AND THE AMOUNT OF FUNDS THAT MAY BE USED TO COVER THE ADMINISTRATIVE COSTS OF OPERATING THE RED LIGHT CAMERA SYSTEMS.

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

- a. An affidavit stating the name and address of the person or company who had the care, custody, and control of the vehicle.
- b. An affidavit stating that the vehicle involved was, at the time, stolen. The affidavit must be supported with evidence that

1 supports the affidavit, including insurance or police report
 2 information.

3 (1a) Subdivision (1) of this subsection shall not apply, and the registered
 4 owner of the vehicle shall not be responsible for the violation, if notice
 5 of the violation is given to the registered owner of the vehicle more
 6 than 90 days after the date of the violation.

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

13 (3) The owner of the vehicle shall be issued a citation which shall clearly
 14 state the manner in which the violation may be challenged, and the
 15 owner shall comply with the directions on the citation. The citation
 16 shall be processed by officials or agents of the municipality and shall
 17 be forwarded by personal service or first-class mail to the address
 18 given on the motor vehicle registration. If the owner fails to pay the
 19 civil penalty or to respond to the citation within the time period
 20 specified on the citation, the owner shall have waived the right to
 21 contest responsibility for the violation, and shall be subject to a civil
 22 penalty not to exceed one hundred dollars (\$100.00). The municipality
 23 may establish procedures for the collection of these penalties and may
 24 enforce the penalties by civil action in the nature of debt.

25 (4) The municipality shall institute a nonjudicial administrative hearing to
 26 review objections to citations or penalties issued or assessed under this
 27 section.

28 (5) The clear proceeds from the citations issued pursuant to an ordinance
 29 authorized by this section shall be paid to the local school board. For
 30 the purposes of determining the clear proceeds derived from the
 31 citations, the cost of collection shall not exceed fifty dollars (\$50.00).

32"

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

34 "**§ 160A-300.1. Use of traffic control photographic systems.**

35 ...

36 (d) This section applies only to the Cities of Albemarle, Charlotte, Durham,
 37 Fayetteville, Greensboro, ~~Greenville,~~ High Point, Lumberton, ~~Newton, Rocky Mount,~~
 38 and Wilmington, to the Towns of Chapel Hill, Cornelius, Huntersville, Matthews, Nags
 39 Head, Pineville, and Spring ~~Lake,~~ and to the municipalities in Union County-Lake."

40 **SECTION 3.** This act applies to the Cities of Greenville, Rocky Mount, and
 41 Newton, and to the municipalities in Union County only.

42 **SECTION 4.** This act becomes effective July 1, 2007, and applies to
 43 offenses committed on or after that date.