

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

S

1

SENATE BILL 462

Short Title: Highway Safety Omnibus/Addit'l Magistrates. (Public)

Sponsors: Senators Hunt and Marcus (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 4, 2023

A BILL TO BE ENTITLED

AN ACT TO INCREASE STATE TROOPERS IN MECKLENBURG COUNTY, TO INCREASE MAGISTRATES IN MECKLENBURG COUNTY, TO REVISE CERTAIN PENALTIES FOR FAILURE TO STOP FOR A SCHOOL BUS AND AUTHORIZE THE USE OF VEHICLE REGISTRATION AS PRIMA FACIE EVIDENCE OF RESPONSIBILITY, TO EXPAND THE OPERATIONAL HOURS OF THE CHARLOTTE IMAP CENTER, AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

INCREASE TROOPERS IN MECKLENBURG COUNTY

SECTION 1.(a) There is appropriated from the General Fund to the State Highway Patrol the sum of nine hundred sixty thousand four hundred twenty-nine dollars (\$960,429) in recurring funds for the 2023-2024 fiscal year and one million six thousand four hundred eighty-eight dollars (\$1,006,488) in nonrecurring funds for the 2023-2024 fiscal year to be used to fund 12 full-time State Trooper positions.

SECTION 1.(b) Notwithstanding G.S. 20-192 and any rules and regulations created pursuant to that statute, the State Trooper positions funded in this act shall result in an increase of at least 12 State Troopers assigned to State Highway Patrol District H5 of Troop H.

SECTION 1.(c) This section becomes effective July 1, 2023.

INCREASE MAGISTRATES IN MECKLENBURG COUNTY

SECTION 2.(a) G.S. 7A-133(c) reads as rewritten:

"(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.	Additional Seats of Court
...		
Mecklenburg	31 <u>36.5</u>	
...."		

SECTION 2.(b) There is appropriated from the General Fund to the Administrative Office of the Courts the sum of three hundred seventy-three thousand nine hundred thirty dollars (\$373,930) in recurring funds for the 2023-2024 fiscal year and fifteen thousand one hundred forty dollars (\$15,140) in nonrecurring funds for the 2023-2024 fiscal year to be used to hire five additional magistrates to serve in Mecklenburg County pursuant to subsection (a) of this section.

SECTION 2.(c) This section becomes effective July 1, 2023.



1 **INCREASE OF FINES FOR FAILURE TO STOP FOR A SCHOOL BUS AND**
2 **EXPANSION OF WHAT CONSTITUTES PRIMA FACIE EVIDENCE IN THOSE**
3 **CASES**

4 **SECTION 3.(a)** G.S. 20-217 reads as rewritten:

5 "**§ 20-217. Motor vehicles to stop for properly marked and designated school buses in**
6 **certain instances; evidence of identity of driver.**

7 ...

8 (e) Except as provided in subsection (g) of this section, any person violating this section
9 shall be guilty of a Class 1 misdemeanor and shall pay a minimum fine of ~~five hundred dollars~~
10 ~~(\$500.00)~~ one thousand dollars (\$1,000). A person who violates subsection (a) of this section
11 shall not receive a prayer for judgment continued under any circumstances.

12 ...

13 (g) Any person who willfully violates subsection (a) of this section and strikes any person
14 shall be guilty of a Class I felony and shall pay a minimum fine of ~~one thousand two hundred~~
15 ~~forty dollars (\$1,250)~~ two thousand two hundred fifty dollars (\$2,250). Any person who
16 willfully violates subsection (a) of this section and strikes any person, resulting in the death of
17 that person, shall be guilty of a Class H felony and shall pay a minimum fine of ~~two thousand~~
18 ~~five hundred dollars (\$2,500)~~ three thousand five hundred dollars (\$3,500).

19 ...

20 (i) Whenever evidence is presented in any court or administrative hearing of the fact that
21 a vehicle was operated in violation of this section, it shall be prima facie evidence that the vehicle
22 was operated by the person in whose name the vehicle was registered at the time of the violation
23 according to the Division's records. If the vehicle is rented, then proof of that rental shall be prima
24 facie evidence that the vehicle was operated by the renter of the vehicle at the time of the
25 violation."

26 **SECTION 3.(b)** This section becomes effective December 1, 2023, and applies to
27 offenses committed on or after that date.

28
29 **FUND THE RECORDING AND STORAGE OF VIDEO FROM DEPARTMENT OF**
30 **TRANSPORTATION HIGHWAY CAMERAS**

31 **SECTION 4.(a)** Of the funds appropriated from the General Fund to the Department
32 of Transportation for the 2023-2024 fiscal year, the sum of twenty million dollars (\$20,000,000)
33 in nonrecurring funds is allocated to be used by the Department to record and store video from
34 the Department's highway cameras. Of the funds appropriated from the General Fund to the
35 Department of Transportation for the 2024-2025 fiscal year, the sum of fifteen million dollars
36 (\$15,000,000) in recurring funds is allocated to be used by the Department to record and store
37 video from the Department's highway cameras.

38 **SECTION 4.(b)** G.S. 132-1.1 is amended by adding a new subsection to read:

39 "(i) Highway camera video records stored by the Department of Transportation may not
40 be disclosed except as provided in G.S. 132-1.7B."

41 **SECTION 4.(c)** Chapter 132 of the General Statutes is amended by adding a new
42 section to read:

43 "**§ 132-1.7B. Highway camera video records.**

44 (a) Definitions. – The following definitions apply in this section:

45 (1) Disclose or disclosure. – To make a recording available for viewing or
46 listening to by the person requesting disclosure, at a time and location chosen
47 by the custodial law enforcement agency. This term does not include the
48 release of a recording.

49 (2) Highway camera. – A Department of Transportation video or digital camera,
50 located on highway right-of-way, for the purpose of monitoring vehicle
51 traffic.

1 (3) Personal representative. – A parent, court-appointed guardian, spouse, or
2 attorney of a person whose image or voice is in the recording. If a person
3 whose image or voice is in the recording is deceased, the term also means the
4 personal representative of the estate of the deceased person; the deceased
5 person's surviving spouse, parent, or adult child; the deceased person's
6 attorney; or the parent or guardian of a surviving minor child of the deceased.

7 (4) Recording. – A visual, or visual and audio, recording captured by a highway
8 camera.

9 (5) Release. – To provide a copy of a recording.

10 (b) Public Record Classification. – Recordings under this section are not public records,
11 as defined by G.S. 132-1.

12 (c) Disclosure; General. – Recordings shall be disclosed only as provided by this section.
13 A person requesting disclosure of a recording must make a written request to the Department of
14 Transportation. The request shall include the name of the person making the request, date and
15 approximate time of the activity captured in the recording, or otherwise identify the activity with
16 reasonable particularity sufficient to identify the recording to which the request refers. The
17 Department may only disclose a recording to the following:

18 (1) A person whose image or voice is in the recording.

19 (2) A personal representative of an adult person whose image or voice is in the
20 recording, if the adult person has consented to the disclosure.

21 (3) A personal representative of a minor or of an adult person under lawful
22 guardianship whose image or voice is in the recording.

23 (4) A personal representative of a deceased person whose image or voice is in the
24 recording.

25 (5) A personal representative of an adult person who is incapacitated and unable
26 to provide consent to disclosure.

27 When disclosing the recording, the Department shall disclose only those portions of the
28 recording that are relevant to the person's request. A person who receives disclosure pursuant to
29 this subsection shall not record or copy the recording.

30 (d) Disclosure; Factors for Consideration. – Upon receipt of the written request for
31 disclosure, as promptly as possible, the Department must either disclose the portion of the
32 recording relevant to the person's request or notify the requestor of the decision not to disclose
33 the recording to the requestor. The Department may consider any of the following factors in
34 determining if a recording is disclosed:

35 (1) If the person requesting disclosure of the recording is a person authorized to
36 receive disclosure pursuant to subsection (c) of this section.

37 (2) If the recording contains information that is otherwise confidential or exempt
38 from disclosure or release under State or federal law.

39 (3) If disclosure would reveal information regarding a person that is of a highly
40 sensitive personal nature.

41 (4) If disclosure may harm the reputation or jeopardize the safety of a person.

42 (5) If disclosure would create a serious threat to the fair, impartial, and orderly
43 administration of justice.

44 (6) If confidentiality is necessary to protect either an active or inactive internal or
45 criminal investigation or potential internal or criminal investigation.

46 (e) Appeal of Disclosure Denial. – If a law enforcement agency denies disclosure
47 pursuant to subsection (d) of this section, or has failed to provide disclosure more than three
48 business days after the request for disclosure, the person seeking disclosure may apply to the
49 superior court in any county where any portion of the recording was made for a review of the
50 denial of disclosure. The court may conduct an in-camera review of the recording. The court may
51 order the disclosure of the recording only if the court finds that the Department abused its

1 discretion in denying the request for disclosure. The court may only order disclosure of those
2 portions of the recording that are relevant to the person's request. A person who receives
3 disclosure pursuant to this subsection shall not record or copy the recording. An order issued
4 pursuant to this subsection may not order the release of the recording.

5 In any proceeding pursuant to this subsection, the following persons shall be notified and
6 those persons, or their designated representative, shall be given an opportunity to be heard at any
7 proceeding: (i) the head of the Department, (ii) any law enforcement agency personnel whose
8 image or voice is in the recording and the head of that person's employing law enforcement
9 agency, and (iii) the district attorney. Actions brought pursuant to this subsection shall be set
10 down for hearing as soon as practicable, and subsequent proceedings in such actions shall be
11 accorded priority by the trial and appellate courts.

12 (f) Release of Recordings; General; Court Order Required. – Recordings shall only be
13 released pursuant to court order. Any person requesting release of a recording may file an action
14 in the superior court in any county where any portion of the recording was made for an order
15 releasing the recording. The request for release must state the date and approximate time of the
16 activity captured in the recording or otherwise identify the activity with reasonable particularity
17 sufficient to identify the recording to which the action refers. The court may conduct an in-camera
18 review of the recording. In determining whether to order the release of all or a portion of the
19 recording, in addition to any other standards the court deems relevant, the court shall consider
20 the applicability of all of the following standards:

- 21 (1) Release is necessary to advance a compelling public interest.
- 22 (2) The recording contains information that is otherwise confidential or exempt
23 from disclosure or release under State or federal law.
- 24 (3) The person requesting release is seeking to obtain evidence to determine legal
25 issues in a current or potential court proceeding.
- 26 (4) Release would reveal information regarding a person that is of a highly
27 sensitive personal nature.
- 28 (5) Release may harm the reputation or jeopardize the safety of a person.
- 29 (6) Release would create a serious threat to the fair, impartial, and orderly
30 administration of justice.
- 31 (7) Confidentiality is necessary to protect either an active or inactive internal or
32 criminal investigation or potential internal or criminal investigation.
- 33 (8) There is good cause shown to release all portions of a recording.

34 The court shall release only those portions of the recording that are relevant to the person's
35 request and may place any conditions or restrictions on the release of the recording that the court,
36 in its discretion, deems appropriate.

37 In any proceeding pursuant to this subsection, the following persons shall be notified and
38 those persons, or their designated representative, shall be given an opportunity to be heard at any
39 proceeding: (i) the head of the Department, (ii) any law enforcement agency personnel whose
40 image or voice is in the recording and the head of that person's employing law enforcement
41 agency, and (iii) the district attorney. Actions brought pursuant to this subsection shall be set
42 down for hearing as soon as practicable, and subsequent proceedings in such actions shall be
43 accorded priority by the trial and appellate courts.

44 (g) Release of Recordings; Law Enforcement Purposes. – Notwithstanding any provision
45 of this section to the contrary, the Department shall disclose or release a recording to a district
46 attorney (i) for review of potential criminal charges, (ii) in order to comply with discovery
47 requirements in a criminal prosecution, (iii) for use in criminal proceedings in district court, or
48 (iv) for any other law enforcement purpose, and may disclose or release a recording for suspect
49 identification or apprehension or to locate a missing or abducted person.

1 (h) Retention of Recordings. – The Department shall not be required to retain any
2 recording subject to the provisions of this section for more than 30 days, unless a court of
3 competent jurisdiction orders otherwise.

4 (i) No civil liability shall arise from compliance with the provisions of this section,
5 provided that the acts or omissions are made in good faith and do not constitute gross negligence,
6 willful or wanton misconduct, or intentional wrongdoing.

7 (j) Fee for Copies. – The Department may charge a fee to offset the cost incurred by it
8 to make a copy of a recording for release. The fee shall not exceed the actual cost of making the
9 copy.

10 (k) Attorneys' Fees. – The court may not award attorneys' fees to any party in any action
11 brought pursuant to this section.

12 (l) Use of Recordings. – Recordings subject to this section may not be used for fines or
13 private investigation.

14 (m) Elected Official. – No elected official may review recordings subject to this section,
15 unless they meet the criteria in subsection (c) of this section. This subsection does not apply to a
16 county sheriff or district attorney if review of the recordings is within the scope of a criminal
17 investigation."

18 SECTION 4.(d) This section becomes effective July 1, 2023.

19
20 **FUND THE 24-HOUR OPERATION OF THE CHARLOTTE IMAP CENTER**

21 SECTION 5.(a) There is appropriated from the Highway Fund to the Department of
22 Transportation the sum of three million dollars (\$3,000,000) in recurring funds for the 2023-2024
23 fiscal year for the purpose of expanding the operational hours of the iMap and North Carolina
24 Department of Transportation Metrolina Transportation Management Center in Charlotte, North
25 Carolina, to 24 hours a day, every day of the year.

26 SECTION 5.(b) This section becomes effective July 1, 2023.

27
28 **EFFECTIVE DATE**

29 SECTION 6. Except as otherwise provided, this act is effective when it becomes
30 law.