

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 567
Committee Substitute Favorable 4/18/01

Short Title: Wake County Red Light Cameras.

(Local)

Sponsors:

Referred to:

March 12, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE MUNICIPALITIES OF WAKE COUNTY, EXCEPT FOR THE TOWN OF CARY, TO USE RED LIGHT CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 160A of Article 15 of the General Statutes is amended by adding a new section to read:

"§ 160A-300.2. Use of traffic control photographic systems.

(a) A traffic control photographic system is an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device to automatically produce photographs, video, or digital images of each vehicle violating a standard traffic control statute or ordinance.

(b) Any traffic control photographic system or any device which is a part of that system, as described in subdivision (a) of this section, installed on a street or highway which is a part of the State highway system shall meet requirements established by the North Carolina Department of Transportation. Any traffic control system installed on a municipal street shall meet standards established by the municipality and shall be consistent with any standards set by the Department of Transportation.

(b1) Any traffic control photographic system installed on a street or highway shall be identified by appropriate advance warning signs conspicuously posted not more than 300 feet from the location of the traffic control photographic system. All advance warning signs shall be consistent with a statewide standard adopted by the Department of Transportation in conjunction with local governments authorized to install 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 detected by a

1 traffic control photographic system shall not be an infraction. An ordinance authorized
2 by this subsection shall provide that:

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

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

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

16 c. A statement that the person who received the citation is not the
17 owner or driver of the vehicle, or that the person who received
18 the citation was not driving a vehicle at the time and location
19 designated in the citation.

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

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

39 (4) The municipality shall establish a nonjudicial administrative hearing
40 process to review objections to citations or penalties issued or assessed
41 under this section. The municipality may establish an appeals panel
42 composed of municipal employees to review objections. Decisions of
43 the appeals panel may be appealed to the mayor of the municipality for

1 a final decision. If the municipality does not establish an appeals panel,
2 the mayor of the municipality shall review and make a final decision
3 on all objections.

4 (d) Municipalities having populations under 50,000 may use traffic control
5 photographic systems at no more than two intersections within the municipality.
6 Municipalities having populations of 50,000 and over may use traffic control
7 photographic systems at no more than two intersections within the municipality, and at
8 one additional intersection for every additional 50,000 persons living in the
9 municipality.

10 (e) The duration of the yellow light change interval at intersections where traffic
11 control photographic systems are in use shall be no less than the yellow light change
12 interval duration specified in the Signals and Geometrics Section of the North Carolina
13 Department of Transportation's Design Manual.

14 (f) A municipality enacting an ordinance implementing a traffic control
15 photographic system may enter into a single 60-month contract with a contractor for the
16 lease, lease-purchase, or purchase of the system and for the system's operation. After
17 that period, the system shall either be the property of the municipality or the system
18 shall be removed and returned to the contractor.

19 (g) The clear proceeds from the citations issued pursuant to the ordinance
20 authorized by this section shall be paid to the county school fund. The clear proceeds
21 from the citations shall mean the funds remaining after paying the contractor for
22 operating the system and/or paying for the lease, lease-purchase, or purchase of the
23 system.

24 (h) This section applies to all of the municipalities of Wake County, except for
25 the Town of Cary."

26 **SECTION 2.** This act is effective when it becomes law.