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Short Title: Red Light Cameras/Certain Municipalities.

(Public)

Sponsors:

Referred to:

February 26, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS AND TO AUTHORIZE THE MUNICIPALITIES IN WAKE COUNTY TO USE RED LIGHT CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (d) of G.S. 160A-300.1 reads as rewritten:

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

SECTION 2. G.S. 160A-300.1 is amended by adding a new subsection to read:

"(c1) The duration of the yellow light change interval at intersections where traffic control photographic systems are in use shall be no less than the yellow light change interval duration specified in the Design Manual developed by the Signals and Geometrics Section of the North Carolina Department of Transportation."

SECTION 3. Article 15 of Chapter 160A of the General Statutes is amended by adding a new section to read:

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

(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

1 conjunction with an official traffic control device to automatically produce photographs,
2 video, or digital images of each vehicle violating a standard traffic control statute or
3 ordinance.

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

10 (c) Any traffic control photographic system installed on a street or highway shall
11 be identified by appropriate advance warning signs conspicuously posted not more than
12 300 feet from the location of the traffic control photographic system. All advance
13 warning signs shall be consistent with a statewide standard adopted by the Department
14 of Transportation in conjunction with local governments authorized to install traffic
15 control photographic systems.

16 (d) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158
17 by means of a traffic control photographic system, as described in subsection (a) of this
18 section. If a municipality adopts an ordinance pursuant to this section then,
19 notwithstanding G.S. 20-176, a violation of G.S. 20-158 detected only by a traffic
20 control photographic system shall not be an infraction. If a violation of G.S. 20-158 is
21 detected by both a law enforcement officer and a traffic control photographic system,
22 the officer may charge the offender with an infraction. If the officer charges the
23 offender with an infraction, a civil penalty issued by the municipality for the same
24 offense is void and unenforceable. An ordinance authorized by this subsection shall
25 provide that:

26 (1) The owner of a vehicle shall be responsible for a violation unless the
27 owner can furnish evidence that the vehicle was, at the time of the
28 violation, in the care, custody, or control of another person. The owner
29 of the vehicle shall not be responsible for the violation if the owner of
30 the vehicle, within 21 days after receiving notification of the violation,
31 furnishes the office of the mayor of the municipality that issued the
32 citation:

33 a. The name and address of the person or company who leased,
34 rented, or otherwise had the care, custody, and control of the
35 vehicle;

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

39 c. A statement that the person who received the citation is not the
40 owner or driver of the vehicle, or that the person who received
41 the citation was not driving a vehicle at the time and location
42 designated in the citation.

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

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

20 (4) The municipality shall establish a nonjudicial administrative hearing
21 process to review objections to citations or penalties issued or assessed
22 under this section. The municipality may establish an appeals panel
23 composed of municipal employees to review objections. If the
24 municipality does not establish an appeals panel composed of
25 municipal employees, the mayor of the municipality shall review and
26 make a final decision on all objections.

27 (e) The duration of the yellow light change interval at intersections where traffic
28 control photographic systems are in use shall be no less than the yellow light change
29 interval duration specified in the Design Manual developed by the Signals and
30 Geometrics Section of the North Carolina Department of Transportation. This provision
31 applies to the City of Wilmington also.

32 (f) A municipality enacting an ordinance implementing a traffic control
33 photographic system may enter into a contract with a contractor for the lease, lease-
34 purchase, or purchase of the system. The municipality may enter into only one contract
35 for the lease, lease-purchase, or purchase of the system and the duration of the contract
36 may be for no more than 60 months. After the period specified in the contract has
37 expired, the system shall either be the property of the municipality or the system shall
38 be removed and returned to the contractor.

39 (g) The clear proceeds from the citations issued pursuant to the ordinance
40 authorized by this section shall be paid to the county school fund. The clear proceeds
41 from the citations shall mean the funds remaining after paying for the lease, lease-
42 purchase, or purchase of the traffic control photographic system; paying a contractor for

1 operating the system; and paying any administrative costs incurred by the municipality
2 related to the use of the system.

3 (h) This section applies to all of the municipalities located in Wake County only.
4 For purposes of this section, a municipality is located in Wake County if fifty-one
5 percent (51%) or more of the land area of the municipality lies within Wake County."

6 **SECTION 4.** G.S. 160A-300.1 is amended by adding a new subsection to
7 read:

8 "(c2) For the City of Concord and all of the municipalities in Union County the
9 clear proceeds from the citations issued pursuant to the ordinance authorized by this
10 section shall be paid to the county school fund. The clear proceeds from the citations
11 shall mean the funds remaining after paying for the lease, lease-purchase, or purchase of
12 the traffic control photographic system; paying a contractor for operating the system;
13 and paying any administrative costs incurred by the municipality related to the use of
14 the system."

15 **SECTION 5.** This act is effective when it becomes law.