

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 741

Judiciary Committee Substitute Adopted 4/28/97

House Committee Substitute Favorable 6/11/97

Short Title: Charlotte Photo Enforcement.

(Local)

Sponsors:

Referred to:

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION.

The General Assembly of North Carolina enacts:

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

**"§ 160A-300.1. 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.

1       (c) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158  
2 by means of a traffic control photographic system, as described in subsection (a) of this  
3 section. Notwithstanding the provisions of G.S. 20-176, in the event that a municipality  
4 adopts an ordinance pursuant to this section, a violation of G.S. 20-158 at a location at  
5 which a traffic control photographic system is in operation shall not be an infraction. An  
6 ordinance authorized by this subsection shall provide that:

7           (1) The owner of a vehicle shall be responsible for a violation unless the  
8 owner can furnish evidence that the vehicle was, at the time of the  
9 violation, in the care, custody, or control of another person. The owner  
10 of the vehicle shall not be responsible for the violation if the owner of  
11 the vehicle, within 21 days after notification of the violation, furnishes  
12 the officials or agents of the municipality which issued the citation:

13           a. The name and address of the person or company who leased,  
14 rented, or otherwise had the care, custody, and control of the  
15 vehicle; or

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

19           (2) A violation detected by a traffic control photographic system shall be  
20 deemed a noncriminal violation for which a civil penalty of fifty dollars  
21 (\$50.00) shall be assessed, and for which no points authorized by G.S.  
22 20-16(c) shall be assigned to the owner or driver of the vehicle.

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

35           (4) The municipality shall institute a nonjudicial administrative hearing to  
36 review objections to citations or penalties issued or assessed under this  
37 section."

38 Section 2. This act applies to the City of Charlotte only.

39 Section 3. This act is effective when it becomes law.