

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

H.B. 536  
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HOUSE PRINCIPAL CLERK

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HOUSE DRH40272-ML-90B\* (02/03)

Short Title: School Bus Cameras/Civil Penalties. (Public)

Sponsors: Representatives Hanes, Lambeth, and Tine (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE USE OF PHOTOGRAPHIC OR VIDEO EVIDENCE FOR  
3 THE CIVIL ENFORCEMENT OF VIOLATIONS FOR PASSING A STOPPED SCHOOL  
4 BUS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 12 of Chapter 153A of the General Statutes is amended by  
7 adding a new section to read:

8 § 153A-246. Use of photographs or videos recorded by automated school bus safety  
9 cameras.

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

11 (1) Automated school bus safety camera. – As defined in G.S. 115C-242.1.

12 (2) Officials or agents. – This term includes a local board of education located  
13 within the county or a private vendor contracted with under  
14 G.S. 115C-242.1.

15 (3) School bus. – As used in G.S. 20-217.

16 (b) Civil Enforcement. – A county may adopt an ordinance for the civil enforcement of  
17 G.S. 20-217 by means of an automated school bus safety camera installed and operated on any  
18 school bus located within that county. Notwithstanding the provisions of G.S. 14-4, in the event  
19 that a county adopts an ordinance pursuant to this section, a violation of the ordinance shall not  
20 be an infraction. An ordinance authorized by this subsection shall provide that:

21 (1) The owner of a vehicle shall be responsible for a violation unless the owner  
22 can furnish evidence that the vehicle was, at the time of the violation, in the  
23 care, custody, or control of another person. The owner of the vehicle shall  
24 not be responsible for the violation if the owner of the vehicle, within 30  
25 days after notification of the violation, furnishes the officials or agents of the  
26 county that issued the citation either of the following:

27 a. An affidavit stating the name and address of the person or company  
28 who had the care, custody, and control of the vehicle.

29 b. An affidavit stating that the vehicle involved was, at the time, stolen.  
30 The affidavit must be supported with evidence that supports the  
31 affidavit, including insurance or police report information.

32 (2) Subdivision (1) of this subsection shall not apply, and the registered owner  
33 of the vehicle shall not be responsible for the violation, if notice of the  
34 violation is given to the registered owner of the vehicle more than 90 days  
35 after the date of the violation.



1           (3) A violation of the ordinance shall be deemed a noncriminal violation for  
2 which a civil penalty of five hundred dollars (\$500.00) shall be assessed, and  
3 for which no points authorized by G.S. 20-16(c) and no insurance points  
4 authorized by G.S. 58-36-65 shall be assigned to the owner or driver of the  
5 vehicle.

6           (4) The owner of the vehicle shall be issued a citation which shall clearly state  
7 the manner in which the violation may be challenged, and the owner shall  
8 comply with the directions on the citation. The citation shall be processed by  
9 officials or agents of the county and shall be forwarded by personal service  
10 or first class mail to the address given on the motor vehicle registration. If  
11 the owner fails to pay the civil penalty or to respond to the citation within  
12 the time period specified on the citation, the owner shall have waived the  
13 right to contest responsibility for the violation and shall be subject to a late  
14 penalty of one hundred dollars (\$100.00) in addition to the civil penalty  
15 assessed under subdivision (3) of this section. In addition, the Division of  
16 Motor Vehicles shall refuse to register any motor vehicle for the owner  
17 pursuant to G.S. 20-54(11). The county may establish procedures for  
18 providing notice to the Division of Motor Vehicles and for the collection of  
19 these penalties and may enforce the penalties by civil action in the nature of  
20 debt.

21           (5) The county shall institute a nonjudicial administrative hearing to review  
22 objections to citations or penalties issued or assessed under this section.

23           (c) Notice. – An automated school bus safety camera installed on a school bus must be  
24 identified by appropriate warning signs conspicuously posted on the school bus. All warning  
25 signs shall be consistent with a statewide standard adopted by the Department of Public  
26 Instruction in conjunction with local boards of education that install and operate automated  
27 school bus safety cameras on their school buses.

28           (d) Application. – Nothing in this section shall be construed to do any of the following:

29           (1) Require the installation and operation of automated school bus safety  
30 cameras on a school bus.

31           (2) Prohibit the use and admissibility of any photograph or video recorded by an  
32 automated school bus safety camera in any criminal proceeding alleging a  
33 violation of G.S. 20-217.

34           (3) Prohibit the imposition of penalties, including the assignment of points  
35 authorized by G.S. 20-16(c) and insurance points authorized by  
36 G.S. 58-36-65, on any owner or driver of the vehicle convicted of a  
37 misdemeanor or felony violation of G.S. 20-217."

38           **SECTION 2.** Article 17 of Chapter 115C of the General Statutes is amended by  
39 adding a new section to read:

40           **§ 115C-242.1. Installation and operation of automated school bus safety camera.**

41           (a) Definition. – An "automated school bus safety camera" is a device that is affixed to  
42 a school bus, as that term is used in G.S. 20-217, that is synchronized to automatically record  
43 photographs or video of a vehicle at the time the vehicle is detected for a violation of (i)  
44 G.S. 20-217 or (ii) an ordinance adopted under G.S. 153A-246.

45           (b) Installation and Operation. – A local board of education located within a county that  
46 has adopted an ordinance under G.S. 153A-246, or a private vendor contracted with in  
47 accordance with subsections (c) or (d) of this section, may install and operate automated school  
48 bus safety cameras on any school bus operated by the local board of education.

49           (c) Statewide or Regional Contract. – The Department of Public Instruction is  
50 authorized to enter into a contract for a statewide service or contracts for regional services to  
51 install and operate automated school bus safety cameras. Except as provided in subsection (d)

1 of this section, all automated school bus safety cameras installed and operated pursuant to an  
 2 ordinance adopted under G.S. 153A-246 shall be subject to contracts entered into under this  
 3 subsection. Contracts shall be let by the Department of Public Instruction in accordance with  
 4 the provisions of Article 3 of Chapter 143 of the General Statutes. The maximum length of any  
 5 contract entered into under this subsection shall be three years.

6 (d) Exceptions to Statewide or Regional Contract. – The requirement in subsection (c)  
 7 of this section shall not apply to any of the following:

8 (1) A local board of education that installs and operates automated school bus  
 9 safety cameras pursuant to an ordinance adopted under G.S. 153A-246  
 10 without contracting with a private vendor for the installation and operation  
 11 of the automated school bus safety cameras.

12 (2) A local board of education of a local school administrative unit with an  
 13 average daily membership of 50,000 students or more. A local board of  
 14 education meeting the requirement of this subdivision may contract with a  
 15 private vendor of its own choosing to install and operate automated school  
 16 bus safety cameras pursuant to an ordinance adopted under G.S. 153A-246.  
 17 The maximum length of any contract entered into under this subdivision  
 18 shall be three years.

19 (3) A local board of education entered into a contract prior to July 1, 2015, with  
 20 a private vendor to install and operate automated school bus safety cameras.

21 (e) Evidence in Criminal Proceeding. – Any photographs or videos recorded by an  
 22 automated school bus safety camera that capture a violation of G.S. 20-217 shall also be  
 23 provided to the investigating law enforcement agency for use as evidence in any proceeding  
 24 alleging a violation of G.S. 20-217."

25 **SECTION 3.** G.S. 20-54 reads as rewritten:

26 "**§ 20-54. Authority for refusing registration or certificate of title.**

27 The Division shall refuse registration or issuance of a certificate of title or any transfer of  
 28 registration upon any of the following grounds:

29 ...

30 (11) The Division has been notified (i) pursuant to G.S. 20-217(g2) that the  
 31 owner of the vehicle has failed to pay any fine imposed pursuant to  
 32 ~~G.S. 20-217~~G.S. 20-217 or (ii) pursuant to G.S. 153A-246(b)(4) that the  
 33 owner of the vehicle has failed to pay a civil penalty under G.S. 153A-246."

34 **SECTION 4.** G.S. 20-217 reads as rewritten:

35 "**§ 20-217. Motor vehicles to stop for properly marked and designated school buses in**  
 36 **certain instances; evidence of identity of driver.**

37 ...

38 (h) ~~Automated camera and video recording systems~~Automated school bus safety  
 39 cameras, as defined in G.S. 115C-242.1, may be used to detect and prosecute violations of this  
 40 section. Any photograph or video recorded by a ~~camera or video recording system~~an automated  
 41 school bus safety camera shall, if consistent with the North Carolina Rules of Evidence, be  
 42 admissible as evidence in any proceeding alleging a violation of subsection (a) of this section.  
 43 Failure to produce a photograph or video recorded by an automated school bus safety camera  
 44 shall not preclude prosecution under this section.

45 (i) In addition to the penalties imposed under this section, the owner or driver of a  
 46 vehicle may be subject to a civil penalty pursuant to an ordinance adopted under  
 47 G.S. 153A-246."

48 **SECTION 5.** This act becomes effective July 1, 2015, and applies to offenses and  
 49 violations committed on or after that date.