

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 536*

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

Sponsors: Representatives Hanes, Lambeth, and Tine (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary II, if favorable, Finance.

April 6, 2015

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.