

GENERAL ASSEMBLY OF NORTH CAROLINA  
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SENATE BILL 298  
Education/Higher Education Committee Substitute Adopted 4/1/15  
Judiciary II Committee Substitute Adopted 4/21/15  
Fourth Edition Engrossed 4/23/15

Short Title: School Bus Cameras/Civil Penalties.

(Public)

Sponsors:

Referred to:

March 18, 2015

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE USE OF PHOTOGRAPHIC OR VIDEO EVIDENCE FOR  
THE CIVIL ENFORCEMENT OF VIOLATIONS FOR PASSING A STOPPED SCHOOL  
BUS.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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

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

(2) Subdivision (1) of this subsection shall not apply, and the registered owner  
of the vehicle shall not be responsible for, the violation if notice of the



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- 1 violation is given to the registered owner of the vehicle more than 90 days  
2 after the date of the violation.
- 3 (3) A violation of the ordinance shall be deemed a noncriminal violation for  
4 which a civil penalty of five hundred dollars (\$500.00) shall be assessed, and  
5 for which no points authorized by G.S. 20-16(c) and no insurance points  
6 authorized by G.S. 58-36-65 shall be assigned to the registered owner or  
7 driver of the vehicle.
- 8 (4) The registered owner of the vehicle shall be issued a citation, which shall  
9 clearly state the manner in which the violation may be challenged, and the  
10 registered owner shall comply with the directions on the citation. The  
11 citation shall be processed by officials or agents of the county and shall be  
12 forwarded by personal service or first class mail to the address given on the  
13 motor vehicle registration. If the registered owner fails to pay the civil  
14 penalty or to respond to the citation within the time period specified on the  
15 citation, the registered owner shall have waived the right to contest  
16 responsibility for the violation and shall be subject to a late penalty of one  
17 hundred dollars (\$100.00) in addition to the civil penalty assessed under  
18 subdivision (3) of this subsection. In addition, the Division of Motor  
19 Vehicles shall refuse to register the motor vehicle for the owner pursuant to  
20 G.S. 20-54(11). The county may establish procedures for providing notice to  
21 the Division of Motor Vehicles and for the collection of these penalties and  
22 may enforce the penalties by civil action in the nature of debt.
- 23 (5) If a registered owner provides an affidavit, as provided in subdivision (1) of  
24 this subsection, that the vehicle was, at the time of the violation, in the care,  
25 custody, or control of another person or company, the identified person or  
26 company may be issued a citation, which shall clearly state the manner in  
27 which the violation may be challenged, and the identified person or company  
28 shall comply with the directions on the citation. The citation shall be  
29 processed by officials or agents of the county and shall be forwarded by  
30 personal service or first class mail to the address provided in the affidavit. If  
31 the identified person or company fails to pay the civil penalty or to respond  
32 to the citation within the time period specified on the citation, the identified  
33 person or company shall have waived the right to contest responsibility for  
34 the violation and shall be subject to a late penalty of one hundred dollars  
35 (\$100.00) in addition to the civil penalty assessed under subdivision (3) of  
36 this subsection. The county may establish procedures for the collection of  
37 these penalties and may enforce the penalties by civil action in the nature of  
38 debt.
- 39 (6) The county shall institute a nonjudicial administrative hearing to review  
40 objections to citations or penalties issued or assessed under this section. The  
41 county shall provide that decisions in such hearings shall be made by  
42 persons who are not employed by the county, by the school system, or by  
43 any vendor providing automated school bus safety cameras to the county  
44 pursuant to G.S. 115C-242.1.
- 45 (7) A county shall not impose a civil penalty under this subsection against a  
46 person if that person is charged with violation of G.S. 20-217 in a criminal  
47 pleading arising out of the same facts.
- 48 (c) Notice. – An automated school bus safety camera installed on a school bus must be  
49 identified by appropriate warning signs conspicuously posted on the school bus. All warning  
50 signs shall be consistent with a statewide standard adopted by the State Board of Education in

1 conjunction with local boards of education that install and operate automated school bus safety  
2 cameras on their school buses.

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

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

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

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

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

15 **"§ 115C-242.1. Installation and operation of automated school bus safety camera.**

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

20 (b) Installation and Operation. – Automated school bus safety cameras may be installed  
21 and operated on any school bus operated by a local board of education within a county that has  
22 adopted an ordinance under G.S. 153A-246 as follows:

23 (1) A local board of education may install and operate automated school bus  
24 safety cameras without contracting with a private vendor.

25 (2) A local board of education may enter into a contract to install and operate  
26 automated school bus safety cameras with a private vendor. Contracts shall  
27 be let in accordance with the provisions of Article 3 of Chapter 143 of the  
28 General Statutes. The maximum length of any contract entered into under  
29 this subdivision shall be three years.

30 (3) Upon request by one or more local boards of education, the State Board of  
31 Education shall enter into a contract for a statewide service or contracts for  
32 regional services to install and operate automated school bus safety cameras  
33 with a private vendor. These contracts shall be let in accordance with the  
34 provisions of Article 3 of Chapter 143 of the General Statutes. The  
35 maximum length of any contract entered into under this subdivision shall be  
36 three years.

37 (c) Interlocal Agreements. – Any local board of education and board of county  
38 commissioners may enter into an interlocal agreement necessary and proper to effectuate the  
39 purpose and intent of this section and G.S. 153A-246. Any agreement entered into pursuant to  
40 this subsection may include provisions on cost-sharing and reimbursement that the local board  
41 of education and board of county commissioners freely and voluntarily agree to for the  
42 purposes of effectuating this section and G.S. 153A-246.

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

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

48 **"§ 20-54. Authority for refusing registration or certificate of title.**

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

51 ...

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

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

6 "**§ 20-217. Motor vehicles to stop for properly marked and designated school buses in**  
7 **certain instances; evidence of identity of driver.**

8 ...  
9 (h) ~~Automated camera and video recording systems~~Automated school bus safety  
10 cameras, as defined in G.S. 115C-242.1, may be used to detect and prosecute violations of this  
11 section. Any photograph or video recorded by ~~a camera or video recording system~~an automated  
12 school bus safety camera shall, if consistent with the North Carolina Rules of Evidence, be  
13 admissible as evidence in any proceeding alleging a violation of subsection (a) of this section.  
14 Failure to produce a photograph or video recorded by an automated school bus safety camera  
15 shall not preclude prosecution under this section."

16 **SECTION 5.** The North Carolina Administrative Office of the Courts shall  
17 annually submit a report covering the most recent five years prior to the reporting date to the  
18 North Carolina Child Fatality Task Force and the North Carolina General Assembly by October  
19 1 on the following information:

20 (1) Total number of offenses charged under G.S. 20-217, by county.

21 (2) Total number of convictions under G.S. 20-217, by county.

22 **SECTION 6.** A county that adopts an ordinance as provided in G.S. 153A-246, as  
23 enacted by this act, shall maintain records of all noncriminal violations of that ordinance for  
24 which a civil penalty is assessed. Upon request, the county shall provide at least five years of  
25 those records to the North Carolina Child Fatality Task Force and the North Carolina General  
26 Assembly.

27 **SECTION 6.5.** Within 90 days of the enactment of this act, the State Board of  
28 Education shall develop a model contract for use by the local boards of education in letting and  
29 awarding contracts in accordance with the provisions of Article 3 of Chapter 143 of the General  
30 Statutes for the installation and operation of automated school bus safety cameras as provided  
31 in G.S. 115C-242.1. The State Board of Education and the Department of Public Instruction  
32 shall provide technical assistance to a local board of education on this process upon a request  
33 by the local board.

34 **SECTION 7.** This act becomes effective July 1, 2015, and applies to offenses and  
35 violations committed on or after that date. The requirements in G.S. 115C-242.1(b)(2), as  
36 enacted by this act, shall not apply to a local board of education that entered into a contract  
37 prior to July 1, 2015, with a private vendor to install and operate automated school bus safety  
38 cameras.