

# GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2015

## Legislative Fiscal Note

**BILL NUMBER:** Senate Bill 298 (Second Edition)  
**SHORT TITLE:** School Bus Cameras/Civil Penalties.  
**SPONSOR(S):** Senators Alexander and McInnis

<b>FISCAL IMPACT</b>					
(\$ in millions)					
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Estimate Available					
State Impact	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
General Fund Revenues:	Impact indeterminate.				
General Fund Expenditures:	Impact indeterminate.				
Highway Fund Revenues:					
Highway Fund Expenditures:	\$0.12	\$0.01	\$0.01	\$0.01	\$0.01
CPFF Revenues:	Impact indeterminate.				
CPFF Expenditures:	Impact indeterminate.				
State Positions:	0.0	0.0	0.0	0.0	0.0
<b>NET STATE IMPACT</b>	<b>\$0.12</b>	<b>(\$0.01)</b>	<b>(\$0.01)</b>	<b>(\$0.01)</b>	<b>(\$0.01)</b>
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b>					
Administrative Office of the Courts; Department of Transportation, Information Technology Section; Department of Public Instruction.					
<b>EFFECTIVE DATE:</b> July 1, 2015.					
<b>TECHNICAL CONSIDERATIONS:</b>					
None					

**BILL SUMMARY:**

Section 1 creates new G.S. 153A-246, Use of photographs or videos recorded by automated school bus safety cameras, allowing a county to adopt an ordinance for the civil enforcement of G.S. 20-217 (passing a stopped school bus) through use of automated school bus safety cameras. Violations of these ordinances are non-criminal violations for which a civil penalty of \$500 is assessed without assignment of points to a violator’s driving record or insurance. The registered owner of the vehicle involved in the violation is responsible, unless he or she demonstrates to the county within 30 days after notification that the vehicle was not in the owner’s control, or notification is received after 90 days from the date of the violation. A \$100 late penalty applies for failure to pay the civil penalty.

An adopting county may establish procedures for notifying the Division of Motor Vehicles of the violation and for the penalty collection via civil action. Additionally, the county must establish a non-judicial administrative hearing to review objections or appeals to the citations or penalties assessed under the ordinance.

Section 2 creates new G.S. 115C-242.1, Installation and operation of automated school bus safety camera, to define and authorize the procurement of automated school bus safety cameras from a private vendor, including through a statewide or regional contract for service coordinated by the Department of Public Instruction. Contracts with private vendors shall not exceed a duration of three years. Additionally, interlocal agreements are authorized for the purposes of cost-sharing and reimbursement among local jurisdictions.

Further, any photos or video recorded by the cameras that capture a violation of G.S. 20-217 shall be provided to the investigating law enforcement agency for use as evidence in a criminal proceeding for the same offense.

Section 3 creates new titling and vehicle registration blocks for failure to pay the civil penalty.

Section 4 makes conforming changes to G.S. 20-217, providing that violations may result in a civil penalty and that failure to produce a photograph or video from an automated school bus camera does not preclude prosecution.

Section 5 requires the Administrative Office of the Courts to submit the following data, covering the preceding five year period, to the North Carolina Child Fatality Task Force and the General Assembly by October 1<sup>st</sup> of each year:

- Offenses charged under G.S. 20-217, by county.
- Convictions under G.S. 20-217, by county.

Section 6 requires that adopting counties maintain records of all noncriminal violations for which a civil penalty is assessed, and that at least five years of such data be transmitted to the North Carolina Child Fatality Task Force and the General Assembly.

Section 6.5 directs the State Board of Education to develop a model contract for the installation and operation of automated school bus safety cameras within 90 days of enactment of this act.

Section 7 provides that the bill is effective July 1, 2015 and grandfathers local boards of education which entered into a contract with a private vendor prior to July 1, 2015.

## **ASSUMPTIONS AND METHODOLOGY:**

### **Civil Penalties and Local Education Agencies**

As the proposed authorization is permissive, Fiscal Research cannot project the adoption rate by counties or corresponding revenue yield. The Administrative Office of the Courts (AOC) reports that 1,441 defendants were charged during CY 2014 with the criminal offense of passing a stopped school bus with no accident or injury. While this suggests potential baseline civil penalty assessments of \$720,500, there is no presumption of geographic distribution or county adoption of the authorized enforcement mechanism.

The clear proceeds of most civil penalties, fines, and forfeitures collected by State agencies are distributed to local education agencies (LEAs) via the State Public School Fund (SPSF) and the State School Technology Fund (SSTF). However, penalties and moneys collected from driving infractions are not examples of civil penalties, forfeitures, or fines, and therefore are not distributed through the SPSF or SSTF. These moneys instead stay within the county where the infraction occurs, and are used locally to fund public schools in that county.

The \$500 penalty imposed by section 1 of S. 298 would be conveyed to county governments or local boards of education without passing through the State budget. As such, no budgetary impact is estimated relative to State funding for public schools. In FY 2012-13, over \$38 million in fines and forfeitures were collected and retained by local governmental units to support public school requirements.

### **Department of Public Instruction Contract Requirements**

Section 6.5 requires the State Board of Education (SBE) to develop a model contract for use by the local boards in letting and awarding contracts for the installation and operation of the automated school bus safety cameras. The SBE and the Department of Public Instruction (DPI) must provide technical assistance to a local board if requested to do so. DPI's Transportation Services section has significant experience in contract development, most notably for the Statewide purchase of yellow school buses to local school districts. No cost is estimated for the model contract development requirement.

### **Judicial Branch**

The effect of this proposed bill on the court system is uncertain. The civil penalties in Section 1 may divert criminal cases from the courts, but Section 2 directs that evidence collected from school bus cameras shall be provided to law enforcement agencies as evidence in criminal proceedings. However, Fiscal Research cannot determine how many law enforcement agencies would choose to let violators be pursued through the civil mechanism versus the criminal statute. If, per Subsection (d) in Section 2, a law enforcement agency pursues a defendant criminally while a municipality pursues the defendant civilly for the same violation, Section 2 might result in a higher number of criminal charges being filed with the courts. With more school buses outfitted with cameras, law enforcement agencies will be able to obtain better evidence than under current practice.

If the ultimate effect of Section 1 is to divert cases from the courts, Fiscal Research Division (FRD) estimates the average monetary value of court personnel time to process a Class 1 misdemeanor to be \$165. These funds would be available for AOC to use for other purposes for each violation that is no longer processed judicially. However, fewer criminal charges would also lead to a corresponding loss in the collection of court costs, since nonjudicial defendants would not be required to pay the standard criminal court costs. The standard court costs for a Class 1 misdemeanor are \$173, of which \$127.05 is General Fund revenue. Proposed Section 1 may increase civil filings if the defendant fails to pay the civil fine, but FRD cannot estimate the number of cases at this time. These cases, brought by the county, would likely be handed in district court.

## **Department of Transportation**

The Department of Transportation, Information Technology Section (DOT-IT) estimates that modification of the State Titling and Registration System (STARS), International Registration Plan (IRP), and Web Service platforms to accommodate the new titling and registration stops will require 1,364 hours of initial development labor at rates of \$85 to \$90 per hour. In addition to the \$121,860 development cost, projected recurring operational support for these incremental modifications is \$9,324 (annually). These estimates also assume that adopting counties will collect all assessed penalties.

**SOURCES OF DATA:** Administrative Office of the Courts

**TECHNICAL CONSIDERATIONS:** None

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