

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 741
Judiciary Committee Substitute Adopted 4/28/97

Short Title: Charlotte Photo Enforcement.

(Local)

Sponsors:

Referred to:

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO USE PHOTOGRAPHIC
3 IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION.

4 The General Assembly of North Carolina enacts:

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

7 "**§ 160A-300.1. Use of traffic control photographic systems. –**

8 (a) A traffic control photographic system is an electronic system consisting of a
9 photographic, video, or electronic camera and a vehicle sensor installed to work in
10 conjunction with an official traffic control device to automatically produce photographs,
11 video, or digital images of each vehicle violating a standard traffic control statute or
12 ordinance.

13 (b) Any traffic control photographic system or any device which is a part of that
14 system, as described in subdivision (a) of this section, deployed on a street or highway
15 which is a part of the State highway system shall meet requirements established by the
16 North Carolina Department of Transportation. Any traffic control system deployed on a
17 municipal street shall meet standards established by the municipality and shall be
18 consistent with any standards set by the Department of Transportation.

1 (c) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-141,
2 20-141.1, or 20-158 by means of a traffic control photographic system, as described in
3 subsection (a) of this section. An ordinance authorized by this subsection shall provide
4 that:

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

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

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

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

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

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

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

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