

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 786
Second Edition Engrossed 4/24/03

Short Title: Civil Parking/Red Light Prima Facie Rule.

(Public)

Sponsors: Representative Culpepper.

Referred to: Judiciary III.

March 27, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT THE PRIMA FACIE RULE FOR PARKING
3 APPLIES TO CIVIL PARKING AND RED LIGHT CAMERA ENFORCEMENT
4 ACTIONS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 20-162.1 reads as rewritten:

7 "**§ 20-162.1. Prima facie rule of evidence for enforcement of parking regulations.**

8 (a) Whenever evidence shall be presented in any court or in any civil nonjudicial
9 enforcement hearing or appeal of the fact that any automobile, truck, or other vehicle
10 was found upon any street, alley or other public place contrary to and in violation of the
11 provisions of any statute or of any municipal or Department of Transportation ordinance
12 limiting the time during which any such vehicle may be parked or prohibiting or
13 otherwise regulating the parking of any such vehicle, it shall be prima facie evidence in
14 any court or in any civil nonjudicial enforcement hearing or appeal in the State of North
15 Carolina that such vehicle was parked and left upon such street, alley or public way or
16 place by the person, firm or corporation in whose name such vehicle is then registered
17 and licensed according to the records of the department or agency of the State of North
18 Carolina, by whatever name designated, which is empowered to register such vehicles
19 and to issue licenses for their operation upon the streets and highways of this State;
20 provided, that no evidence tendered or presented under the authorization contained in
21 this section shall be admissible or competent in any respect in any court or tribunal,
22 except in cases concerned solely with violation of statutes or ordinances limiting,
23 prohibiting or otherwise regulating the parking of automobiles or other vehicles upon
24 public streets, highways, or other public places.

25 Any person found responsible for an infraction pursuant to this section shall be
26 subject to a penalty of not more than five dollars (\$5.00)."

27 **SECTION 2.** G.S. 160A-300.1(c) reads as rewritten:

28 "(c) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158
29 by means of a traffic control photographic system, as described in subsection (a) of this

1 section. Notwithstanding the provisions of G.S. 20-176, in the event that a municipality
2 adopts an ordinance pursuant to this section, a violation of G.S. 20-158 at a location at
3 which a traffic control photographic system is in operation shall not be an infraction. An
4 ordinance authorized by this subsection shall provide 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
16 did not have permission of the owner to use the vehicle.
17 c. A statement that the person who received the citation is not the
18 owner or driver of the vehicle, or that the person who received
19 the citation was not driving a vehicle at the time and location
20 designated in the citation.

21 (2) Subdivision (1) of this subsection shall not apply if the registered
22 owner of the vehicle has leased or rented the vehicle to another person
23 or company and if, after receiving notification of the civil violation
24 within 90 days of the date of occurrence, the owner, within 30 days
25 thereafter, files with the officials or agents of the municipality an
26 affidavit including the name and address of the person or company that
27 leased or rented the vehicle. If notification is given to the owner of the
28 vehicle after 90 days have elapsed from the date of the violation, the
29 owner is not required to provide the name and address of the lessee or
30 renter and the owner shall not be held responsible for the violation.

31 ~~(2)~~(3) A violation detected by a traffic control photographic system shall be
32 deemed a noncriminal violation for which a civil penalty of fifty
33 dollars (\$50.00) shall be assessed, and for which no points authorized
34 by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle
35 nor insurance points as authorized by G.S. 58-36-65.

36 ~~(3)~~(4) The owner of the vehicle shall be issued a citation which shall clearly
37 state the manner in which the violation may be challenged, and the
38 owner shall comply with the directions on the citation. The citation
39 shall be processed by officials or agents of the municipality and shall
40 be forwarded by personal service or first-class mail to the address
41 given on the motor vehicle registration. If the owner fails to pay the
42 civil penalty or to respond to the citation within the time period
43 specified on the citation, the owner shall have waived the right to
44 contest responsibility for the violation, and shall be subject to a civil

1 penalty not to exceed one hundred dollars (\$100.00). The municipality
2 may establish procedures for the collection of these penalties and may
3 enforce the penalties by civil action in the nature of debt.

4 ~~(4)~~(5) The municipality shall institute a nonjudicial administrative hearing to
5 review objections to citations or penalties issued or assessed under this
6 section."

7 **SECTION 3.** This act is effective when it becomes law.