

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 1151*
PROPOSED COMMITTEE SUBSTITUTE H1151-PCS30795-RW-95

Short Title: Fayetteville Red Light Changes.

(Local)

Sponsors:

Referred to:

May 21, 2014

A BILL TO BE ENTITLED
AN ACT TO MAKE CHANGES TO THE LAW GOVERNING RED LIGHT CAMERAS IN
FAYETTEVILLE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-300.1(c), as amended by S.L. 2007-341, reads as rewritten:

"(c) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158 by means of a traffic control photographic system, as described in subsection (a) of this section. Notwithstanding the provisions of G.S. 20-176, in the event that a municipality adopts an ordinance pursuant to this section, a violation of G.S. 20-158 at a location at which a traffic control photographic system is in operation shall not be an infraction. An ordinance authorized by this subsection shall provide that:

- (1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within 30 days after the date of personal service or mailing of notification of the violation, furnishes the officials or agents of the municipality which 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.
- (1a) 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 violation is given to the registered owner of the vehicle more than 90 days after the date of the violation.
- (2) A violation detected by a traffic control photographic system shall be deemed a noncriminal violation for which a civil penalty of seventy-five dollars (\$75.00) shall be assessed, and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle nor insurance points as authorized by G.S. 58-36-65.
- (3) The owner of the vehicle shall be issued a citation which shall clearly state when the penalty is due and the manner in which the violation may be challenged. The owner shall comply with the directions on the citation. The



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1 citation shall be processed by officials or agents of the municipality and shall
2 be forwarded by personal service or first-class mail to the address given on
3 the motor vehicle registration. If the owner fails to pay the civil penalty or to
4 respond to the citation within 30 days after the date the citation is served or
5 mailed, the owner shall have waived the right to contest responsibility for
6 the violation, and shall be subject to a civil penalty not to exceed one
7 hundred dollars (\$100.00). The municipality may establish procedures for
8 the collection of these penalties and may enforce the penalties by civil action
9 in the nature of debt.

10 (4) The municipality shall institute a nonjudicial administrative hearing to
11 review objections to citations or penalties issued or assessed under this
12 section.

13 (4a) A municipality enacting an ordinance implementing a traffic control
14 photographic system may enter into a contract with a contractor for the
15 lease, lease-purchase, or purchase of the system. The municipality may enter
16 into only one contract for the lease, lease-purchase, or purchase of the
17 system, and the duration of the contract may be for no more than 60 months.
18 After the period specified in the contract has expired, the system shall either
19 be the property of the municipality, or the system shall be removed and
20 returned to the contractor.

21 (5) The clear proceeds from the citations issued pursuant to an ordinance
22 authorized by this section shall be paid to the local school board. For the
23 purposes of determining the clear proceeds derived from the citations, the
24 following expenses, not to exceed ten percent (10%) of the civil penalty
25 assessed pursuant to subdivision (2) of this subsection, are authorized to be
26 deducted from each civil penalty assessed pursuant to the provisions of
27 subdivision (2) of this subsection:

28 a. The cost of materials and postage directly related to the printing and
29 mailing of the first and second notices sent to the owner and, if
30 necessary, the driver of the vehicle.

31 b. The cost of computer services directly related to the production and
32 mailing of the notices described in sub-subdivision a. of this
33 subdivision.

34 (6) The municipality may assess a collection assistance fee against the owner
35 and, if necessary, driver of the vehicle under the conditions in this
36 subdivision. Amounts collected must be credited first to the payment of the
37 civil penalty and then to collection assistance fee. The conditions are as
38 follows:

39 a. The civil penalty has not been paid within 30 days after the personal
40 service or first-class mailing of a second notice that the penalty is
41 due. The second notice must be served or mailed no sooner than 30
42 days after the day the first notice was served or mailed and must
43 contain a notice stating that a collection assistance fee will be
44 assessed if the penalty is not paid within 30 days after the service or
45 mailing of the second notice, the date when the collection assistance
46 fee will be assessed, and the amount of the collection assistance fee.
47 The collection assistance fee shall not exceed twenty percent (20%)
48 of the civil penalty assessed pursuant to subdivision (2) of this
49 subsection.

50 b. Collection assistance fees shall be placed in a separate fund that may
51 be used only for the purpose of paying for the costs of collection

1 expended to collect civil penalties that remain unpaid 30 days after
2 the service or mailing of the second notice required pursuant to
3 sub-subdivision a. of this subdivision."

4 **SECTION 2.** G.S. 160A-300.1(c)(2), as amended by S.L. 2007-341 and by Section
5 1 of this act, reads as rewritten:

6 "(2) A violation detected by a traffic control photographic system shall be
7 deemed a noncriminal violation for which a civil penalty of ~~seventy-five~~
8 ~~dollars (\$75.00)~~one hundred dollars (\$100.00) shall be assessed, and for
9 which no points authorized by G.S. 20-16(c) shall be assigned to the owner
10 or driver of the vehicle nor insurance points as authorized by
11 G.S. 58-36-65."

12 **SECTION 3.** The City of Fayetteville and the Cumberland County Board of
13 Education may enter into an interlocal agreement necessary and proper to effectuate the
14 purpose and intent of G.S. 160A-300.1 and this act. Any agreement entered into pursuant to
15 this section may include provisions on cost-sharing and reimbursement that the Cumberland
16 County Board of Education and the City of Fayetteville freely and voluntarily agree to for the
17 purpose of effectuating the provisions of G.S. 160A-300.1 and this act.

18 **SECTION 4.** This act applies only to the City of Fayetteville and the Cumberland
19 County Board of Education.

20 **SECTION 5.** Sections 1, 3, 4, and 5 of this act become effective July 1, 2014.
21 Section 2 of this act becomes effective July 1, 2015.