

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE BILL 298  
PROPOSED COMMITTEE SUBSTITUTE S298-PCS15219-TC-9

Short Title: School Bus Cameras/Civil Penalties.

(Public)

Sponsors:

Referred to:

March 18, 2015

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE USE OF PHOTOGRAPHIC OR VIDEO EVIDENCE FOR  
3 THE CIVIL ENFORCEMENT OF VIOLATIONS FOR PASSING A STOPPED SCHOOL  
4 BUS.

5 The General Assembly of North Carolina enacts:

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

8 "§ 153A-246. Use of photographs or videos recorded by automated school bus safety  
9 cameras.

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

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

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

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

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

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

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

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

33 (2) Subdivision (1) of this subsection shall not apply, and the registered owner  
34 of the vehicle shall not be responsible for, the violation if notice of the  
35 violation is given to the registered owner of the vehicle more than 90 days  
36 after the date of the violation.



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1           (3)    A violation of the ordinance shall be deemed a noncriminal violation for  
2           which a civil penalty of five hundred dollars (\$500.00) shall be assessed, and  
3           for which no points authorized by G.S. 20-16(c) and no insurance points  
4           authorized by G.S. 58-36-65 shall be assigned to the registered owner or  
5           driver of the vehicle.

6           (4)    The registered owner of the vehicle shall be issued a citation, which shall  
7           clearly state the manner in which the violation may be challenged, and the  
8           registered owner shall comply with the directions on the citation. The  
9           citation shall be processed by officials or agents of the county and shall be  
10          forwarded by personal service or first class mail to the address given on the  
11          motor vehicle registration. If the registered owner fails to pay the civil  
12          penalty or to respond to the citation within the time period specified on the  
13          citation, the registered owner shall have waived the right to contest  
14          responsibility for the violation and shall be subject to a late penalty of one  
15          hundred dollars (\$100.00) in addition to the civil penalty assessed under  
16          subdivision (3) of this subsection. In addition, the Division of Motor  
17          Vehicles shall refuse to register the motor vehicle for the owner pursuant to  
18          G.S. 20-54(11). The county may establish procedures for providing notice to  
19          the Division of Motor Vehicles and for the collection of these penalties and  
20          may enforce the penalties by civil action in the nature of debt.

21          (5)    The county shall institute a nonjudicial administrative hearing to review  
22          objections to citations or penalties issued or assessed under this section.

23          (c)    Notice. – An automated school bus safety camera installed on a school bus must be  
24          identified by appropriate warning signs conspicuously posted on the school bus. All warning  
25          signs shall be consistent with a statewide standard adopted by the State Board of Education in  
26          conjunction with local boards of education that install and operate automated school bus safety  
27          cameras on their school buses.

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

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

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

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

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

40          **§ 115C-242.1. Installation and operation of automated school bus safety camera.**

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

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

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

50                   (2)    A local board of education may enter into a contract to install and operate  
51                   automated school bus safety cameras with a private vendor. Contracts shall

1 be let in accordance with the provisions of Article 3 of Chapter 143 of the  
2 General Statutes. The maximum length of any contract entered into under  
3 this subdivision shall be three years.

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

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

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

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

22 **"§ 20-54. Authority for refusing registration or certificate of title.**

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

25 ...

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

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

31 **"§ 20-217. Motor vehicles to stop for properly marked and designated school buses in**  
32 **certain instances; evidence of identity of driver.**

33 ...

34 (h) ~~Automated camera and video recording systems~~Automated school bus safety  
35 cameras, as defined in G.S. 115C-242.1, may be used to detect and prosecute violations of this  
36 section. Any photograph or video recorded by a camera or video recording systeman automated  
37 school bus safety camera shall, if consistent with the North Carolina Rules of Evidence, be  
38 admissible as evidence in any proceeding alleging a violation of subsection (a) of this section.  
39 Failure to produce a photograph or video recorded by an automated school bus safety camera  
40 shall not preclude prosecution under this section.

41 (i) In addition to the penalties imposed under this section, the owner or driver of a  
42 vehicle may be subject to a civil penalty pursuant to an ordinance adopted under  
43 G.S. 153A-246."

44 **SECTION 5.** The North Carolina Administrative Office of the Courts shall  
45 annually submit a report covering the most recent five years prior to the reporting date to the  
46 North Carolina Child Fatality Task Force and the North Carolina General Assembly by October  
47 1 on the following information:

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

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

50 **SECTION 6.** A county that adopts an ordinance as provided in G.S. 153A-246, as  
51 enacted by this act, shall maintain records of all noncriminal violations of that ordinance for

1 which a civil penalty is assessed. Upon request, the county shall provide at least five years of  
2 those records to the North Carolina Child Fatality Task Force and the North Carolina General  
3 Assembly.

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

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