

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 298
Education/Higher Education Committee Substitute Adopted 4/1/15
PROPOSED COMMITTEE SUBSTITUTE S298-PCS15228-TG-10

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 all of the following:

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



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- 1 violation is given to the registered owner of the vehicle more than 90 days
2 after the date of the violation.
- 3 (3) A violation of the ordinance shall be deemed a noncriminal violation for
4 which a civil penalty of five hundred dollars (\$500.00) shall be assessed, and
5 for which no points authorized by G.S. 20-16(c) and no insurance points
6 authorized by G.S. 58-36-65 shall be assigned to the registered owner or
7 driver of the vehicle.
- 8 (4) The registered owner of the vehicle shall be issued a citation, which shall
9 clearly state the manner in which the violation may be challenged, and the
10 registered owner shall comply with the directions on the citation. The
11 citation shall be processed by officials or agents of the county and shall be
12 forwarded by personal service or first class mail to the address given on the
13 motor vehicle registration. If the registered owner fails to pay the civil
14 penalty or to respond to the citation within the time period specified on the
15 citation, the registered owner shall have waived the right to contest
16 responsibility for the violation and shall be subject to a late penalty of one
17 hundred dollars (\$100.00) in addition to the civil penalty assessed under
18 subdivision (3) of this subsection. In addition, the Division of Motor
19 Vehicles shall refuse to register the motor vehicle for the owner pursuant to
20 G.S. 20-54(11). The county may establish procedures for providing notice to
21 the Division of Motor Vehicles and for the collection of these penalties and
22 may enforce the penalties by civil action in the nature of debt.
- 23 (5) If a registered owner provides an affidavit, as provided in subdivision (1) of
24 this subsection, that the vehicle was, at the time of the violation, in the care,
25 custody, or control of another person or company, the identified person or
26 company may be issued a citation, which shall clearly state the manner in
27 which the violation may be challenged, and the identified person or company
28 shall comply with the directions on the citation. The citation shall be
29 processed by officials or agents of the county and shall be forwarded by
30 personal service or first class mail to the address provided in the affidavit. If
31 the identified person or company fails to pay the civil penalty or to respond
32 to the citation within the time period specified on the citation, the identified
33 person or company shall have waived the right to contest responsibility for
34 the violation and shall be subject to a late penalty of one hundred dollars
35 (\$100.00) in addition to the civil penalty assessed under subdivision (3) of
36 this subsection. The county may establish procedures for the collection of
37 these penalties and may enforce the penalties by civil action in the nature of
38 debt.
- 39 (6) The county shall institute a nonjudicial administrative hearing to review
40 objections to citations or penalties issued or assessed under this section.
- 41 (7) A county shall not impose a civil penalty under this subsection against a
42 person if that person is charged with violation of G.S. 20-217 in a criminal
43 pleading arising out of the same facts.
- 44 (c) Notice. – An automated school bus safety camera installed on a school bus must be
45 identified by appropriate warning signs conspicuously posted on the school bus. All warning
46 signs shall be consistent with a statewide standard adopted by the State Board of Education in
47 conjunction with local boards of education that install and operate automated school bus safety
48 cameras on their school buses.
- 49 (d) Application. – Nothing in this section shall be construed to do any of the following:
- 50 (1) Require the installation and operation of automated school bus safety
51 cameras on a school bus.

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

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

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

10 **"§ 115C-242.1. Installation and operation of automated school bus safety camera.**

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

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

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

20 (2) A local board of education may enter into a contract to install and operate
21 automated school bus safety cameras with a private vendor. Contracts shall
22 be let in accordance with the provisions of Article 3 of Chapter 143 of the
23 General Statutes. The maximum length of any contract entered into under
24 this subdivision shall be three years.

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

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

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

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

43 **"§ 20-54. Authority for refusing registration or certificate of title.**

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

46 ...

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

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

1 "§ 20-217. Motor vehicles to stop for properly marked and designated school buses in
2 certain instances; evidence of identity of driver.

3 ...

4 (h) ~~Automated camera and video recording systems~~Automated school bus safety
5 cameras, as defined in G.S. 115C-242.1, may be used to detect and prosecute violations of this
6 section. Any photograph or video recorded by ~~a camera or video recording system~~an automated
7 school bus safety camera shall, if consistent with the North Carolina Rules of Evidence, be
8 admissible as evidence in any proceeding alleging a violation of subsection (a) of this section.
9 Failure to produce a photograph or video recorded by an automated school bus safety camera
10 shall not preclude prosecution under this section."

11 **SECTION 5.** The North Carolina Administrative Office of the Courts shall
12 annually submit a report covering the most recent five years prior to the reporting date to the
13 North Carolina Child Fatality Task Force and the North Carolina General Assembly by October
14 1 on the following information:

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

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

17 **SECTION 6.** A county that adopts an ordinance as provided in G.S. 153A-246, as
18 enacted by this act, shall maintain records of all noncriminal violations of that ordinance for
19 which a civil penalty is assessed. Upon request, the county shall provide at least five years of
20 those records to the North Carolina Child Fatality Task Force and the North Carolina General
21 Assembly.

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

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