

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 140
Committee Substitute Favorable 3/1/23
PROPOSED COMMITTEE SUBSTITUTE H140-CSSA-26 [v.2]
05/02/2023 05:41:34 PM

Short Title: Civilian Traffic Investigators/Pilot.

(Public)

Sponsors:

Referred to:

February 20, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE CITIES OF BURLINGTON, GREENSBORO, AND
3 WINSTON-SALEM TO EMPLOY AND ALLOW CIVILIAN PERSONNEL TO
4 INVESTIGATE TRAFFIC CRASHES DURING A THREE-YEAR PILOT PROGRAM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 21 of Chapter 160A of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 160A-499.6. Civilian traffic investigators.**

9 A city may employ and allow civilian personnel to investigate traffic crashes (hereinafter
10 "civilian traffic investigator"). All of the following shall apply to civilian investigators employed
11 by a city to investigate traffic crashes:

- 12 (1) The city shall establish the minimum standards for employment as a civilian
13 traffic investigator.
14 (2) Each civilian traffic investigator shall attend a training program designed by
15 the North Carolina Justice Academy. Upon completion of the training
16 program, each civilian traffic investigator shall spend not less than four weeks
17 of field training with a law enforcement officer who has experience
18 conducting traffic crash investigations.
19 (3) Each civilian traffic investigator shall be issued credentials by the city
20 identifying the individual as a civilian traffic investigator. The civilian traffic
21 investigator shall produce official credentials at any time when requested by
22 a member of the public involved in or a witness to a crash.
23 (4) Each civilian traffic investigator shall be issued a uniform that is substantially
24 different in color and style from that of a law enforcement officer for the city.
25 The uniform shall have patches that clearly identify the individual as a civilian
26 traffic investigator, and the individual's name shall be clearly displayed on the
27 uniform. Civilian traffic investigators shall not be issued badges.
28 (5) Any vehicles issued to, or used by, a civilian traffic investigator shall not bear
29 markings or symbols that identify the vehicle as a police vehicle. The vehicle
30 may have emergency equipment and lights installed but shall not use blue
31 lights in any manner or form. Red and amber lights are permissible.
32 (6) Civilian traffic investigators shall not be issued or carry a weapon of any type.
33 (7) Civilian traffic investigators shall have no authority to arrest or issue criminal
34 process.



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(8) Civilian traffic investigators shall investigate crashes involving only property damage. Civilian traffic investigators shall comply with all provisions of G.S. 20-166.1. A report completed by a civilian traffic investigator shall be treated the same as if it were completed by a law enforcement officer for purposes of G.S. 20-166.1(i). A law enforcement officer shall investigate any crash involving personal injury or a fatality.

(9) Civilian traffic investigators shall have the same authority as law enforcement officers to tow or remove a vehicle that is obstructing a public street or highway and shall use the city's existing police towing rotation system if one has been established.

(10) The employment or use of civilian traffic investigators, either full or part time, shall not supplant or replace any existing sworn law enforcement personnel or otherwise reduce the number of sworn law enforcement officers employed by the city."

SECTION 2. G.S. 20-166.1(i) reads as rewritten:

"(i) Effect of Report. – A report of an accident made under this section by a person ~~who is not other than a law enforcement officer-officer~~, or a civilian traffic investigator employed pursuant to G.S. 160A-499.6, is without prejudice, is for the use of the Division, and shall not be used in any manner as evidence, or for any other purpose in any trial, civil or criminal, arising out of the accident. Any other report of an accident made under this section may be used in any manner as evidence, or for any other purpose, in any trial, civil or criminal, as permitted under the rules of evidence. At the demand of a court, the Division must give the court a properly executed certificate stating that a particular accident report has or has not been filed with the Division solely to prove a compliance with this section.

...."

SECTION 3. The North Carolina Justice Academy shall develop a uniform statewide training program for civilian traffic investigators. This training shall be available to civilian traffic investigators employed by any municipality pursuant to G.S. 160A-499.6.

SECTION 4. Sections 1 and 2 of this act apply only to the cities of Burlington, Greensboro, and Winston-Salem.

SECTION 5. A city authorized to employ civilian traffic investigators pursuant to this act shall report to the Joint Legislative Committee on Justice and Public Safety no later than February 1, 2026, on the training and use of civilian traffic investigators. The report shall include the following:

- (1) The number of crash investigations performed by civilian traffic investigators.
- (2) The number of incidents with an initial response by a civilian traffic investigator that required the presence of a sworn law enforcement officer.
- (3) The cost to the city of the civilian traffic investigator program.
- (4) Information on sworn law enforcement man hours saved by use of civilian traffic investigators.
- (5) Any other information relevant to an assessment of the pilot program in that city.

SECTION 4. This act becomes effective July 1, 2023, and expires June 30, 2026.