

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: H 26 (2nd Edition)

SHORT TITLE: Camera Defeating License Covers Illegal

SPONSOR(S): Representatives Miller and McComas

FISCAL IMPACT					
	Yes ()	No (X)	No Estimate Available ()		
	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>	<u>FY 2006-07</u>	<u>FY 2007-08</u>
REVENUES:					No impact anticipated.
EXPENDITURES:					No impact anticipated.
POSITIONS:					No impact anticipated.
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Correction, Judicial Branch, Counties Using Traffic Control Photographic Systems					
EFFECTIVE DATE: October 1, 2003					

BILL SUMMARY: Current G.S. 200-63(g) provides that it is unlawful to willfully cover a registration plate with a bumper, light, spare tire, tire rack, strap, or other device for the purpose of obscuring the numbers or letter on the plate. This bill amends G.S. 20-63(g) to clarify that any operator of a motor vehicle who willfully covers or causes to be covered any part or portion of a registration plate or the figures or letters thereon by any device designed or intended to prevent or interfere with the taking of a clear photograph of a registration plate by a traffic control system using cameras, commits an infraction and shall be fined under G.S. 14-3.1. The bill also provides that it is not unlawful to use transparent covers that are *not* designed or intended to prevent or interfere with the taking of a clear photograph of a registration plate by a traffic control system using cameras.

ASSUMPTIONS AND METHODOLOGY:

Judicial

The Administration of the Courts (AOC) data for calendar year 2002 indicate that 576 defendants were charged under G.S. 20-63(g) for unlawfully altering, disguising, or concealing a registration plate. However, AOC is unable to determine how many of these acts involved devices designated specifically to defeat red light photo enforcement. Because AOC views red light camera defeating devices as already falling under the purview of G.S. 20-63(g), they do not

anticipate the bill will result in a significant number of additional charges. Regardless, there is no way to estimate charges.

Currently, only Charlotte, Greensboro/High Point, Rocky Mount, Fayetteville, and Wilmington use traffic control systems using cameras, also known as red-light cameras. Raleigh was authorized to install the cameras during the 2001-2002 short session of the NC General Assembly. If more cities install the cameras and more motorists try to use such devices to defeat red light photo enforcement, enactment of the bill might result in additional caseload. However, AOC has no reasonable way to quantify the number of additional cases. The AOC suggests that if this infraction were to be added to the list of traffic offenses for which court appearance may be waived, this would reduce the time and cost required to dispose of such cases. There would still be an impact on the court system, albeit small or negligible, in processing waivers and the additional cases that are contested instead of waived.

Department of Correction

The Sentencing and Policy Advisory Commission prepares inmate population projections annually. The projections used for incarceration fiscal notes and fiscal memos are based on January 2003 projections. These projections are based on historical information on incarceration and release rates under Structured Sentencing, crime rate forecasts by a technical advisory board, probation and revocation rates, and the decline (parole and maxouts) of the stock prison population sentenced under previous sentencing acts. Based on the most recent population projections and estimated available prison bed capacity, *there are no surplus prison beds available for the five year Fiscal Note horizon and beyond.* The number of beds needed will always be equal to the projected number of inmates due to a bill.

The Sentencing and Policy Advisory Commission does not maintain statistical information on Class 2 or Class 3 misdemeanor traffic offenses so we cannot determine if there is any fiscal impact. Because offenses under this bill would be an infraction and offenders would be fined under G.S. 14-3.1, there will be no impact to local jails or to the state prison population.

SOURCES OF DATA: Department of Correction, Judicial Branch

TECHNICAL CONSIDERATIONS: None

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DATE: April 16, 2003



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