

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 1228**  
**Corrected Copy 4/3/07**  
**Committee Substitute Favorable 7/24/07**  
**Committee Substitute #2 Favorable 7/26/07**  
**Fifth Edition Engrossed 7/27/07**  
**Senate Finance Committee Substitute Adopted 8/1/07**

Short Title: Stop Light Cameras in Certain Municipalities.

(Local)

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Sponsors:

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Referred to:

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March 29, 2007

A BILL TO BE ENTITLED

1  
2 AN ACT TO PROVIDE FOR AN INCREASE IN THE PENALTY SET FOR A RED  
3 LIGHT VIOLATION DETECTED BY A CAMERA; TO REQUIRE THAT THE  
4 CLEAR PROCEEDS OF EACH PENALTY COLLECTED BE TRANSFERRED  
5 TO THE LOCAL SCHOOL BOARD; TO DEFINE WHAT AMOUNTS MAY BE  
6 DEDUCTED FROM EACH PENALTY BY A MUNICIPALITY TO ARRIVE AT  
7 THE AMOUNT OF CLEAR PROCEEDS FROM EACH CIVIL PENALTY THAT  
8 MUST BE TRANSFERRED TO THE LOCAL SCHOOL BOARD; AND TO  
9 PERMIT A COLLECTION ASSISTANCE FEE TO BE COLLECTED FROM THE  
10 RESPONSIBLE PARTY IF THE CIVIL PENALTY IS NOT PAID WITHIN A  
11 SPECIFIED TIME.

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** G.S. 160A-300.1(c) reads as rewritten:

14 **"§ 160A-300.1. Use of traffic control photographic systems.**

15 ...

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

22 (1) The owner of a vehicle shall be responsible for a violation unless the  
23 owner can furnish evidence that the vehicle was, at the time of the  
24 violation, in the care, custody, or control of another person. The owner  
25 of the vehicle shall not be responsible for the violation if the owner of

1 the vehicle, within 30 days after the date of personal service or  
2 mailing of notification of the violation, furnishes the officials or agents  
3 of the municipality which issued the citation either of the following:

- 4 a. An affidavit stating the name and address of the person or  
5 company who had the care, custody, and control of the vehicle.  
6 b. An affidavit stating that the vehicle involved was, at the time,  
7 stolen. The affidavit must be supported with evidence that  
8 supports the affidavit, including insurance or police report  
9 information.

10 (1a) Subdivision (1) of this subsection shall not apply, and the registered  
11 owner of the vehicle shall not be responsible for the violation, if notice  
12 of the violation is given to the registered owner of the vehicle more  
13 than 90 days after the date of the violation.

14 (2) A violation detected by a traffic control photographic system shall be  
15 deemed a noncriminal violation for which a civil penalty of  ~~fifty~~  
16  ~~dollars (\$50.00) seventy-five dollars (\$75.00)~~ shall be assessed, and  
17 for which no points authorized by G.S. 20-16(c) shall be assigned to  
18 the owner or driver of the vehicle nor insurance points as authorized  
19 by G.S. 58-36-65.

20 (3) The owner of the vehicle shall be issued a citation which shall clearly  
21 state when the penalty is due and the manner in which the violation  
22 may be challenged, and the challenged. The owner shall comply with  
23 the directions on the citation. The citation shall be processed by  
24 officials or agents of the municipality and shall be forwarded by  
25 personal service or first-class mail to the address given on the motor  
26 vehicle registration. If the owner fails to pay the civil penalty or to  
27 respond to the citation within 30 days after the date the citation is  
28 served or mailed, the time period specified on the citation, the owner  
29 shall have waived the right to contest responsibility for the violation,  
30 and shall be subject to a civil penalty not to exceed one hundred  
31 dollars (\$100.00). The municipality may establish procedures for the  
32 collection of these penalties and may enforce the penalties by civil  
33 action in the nature of debt.

34 (4) The municipality shall institute a nonjudicial administrative hearing to  
35 review objections to citations or penalties issued or assessed under this  
36 section.

37 (5) The clear proceeds from the citations issued pursuant to an ordinance  
38 authorized by this section shall be paid to the local school board. For  
39 the purposes of determining the clear proceeds derived from the  
40 citations, the following expenses, not to exceed ten percent (10%) of  
41 the civil penalty assessed pursuant to subdivision (2) of this  
42 subsection, are authorized to be deducted from each civil penalty  
43 assessed pursuant to the provisions of subdivision (2) of this  
44 subsection:

- 1           a.     The cost of materials and postage directly related to the printing  
2                   and mailing of the first and second notices sent to the owner  
3                   and, if necessary, the driver of the vehicle.
- 4           b.     The cost of computer services directly related to the production  
5                   and mailing of the notices described in sub-subdivision a. of  
6                   this subdivision.
- 7       (6)   The municipality may assess a collection assistance fee against the  
8           owner and, if necessary, driver of the vehicle under the conditions in  
9           this subdivision. Amounts collected must be credited first to the  
10          payment of the civil penalty and then to collection assistance fee. The  
11          conditions are as follows:
- 12          a.     The civil penalty has not been paid within 30 days after the  
13                  personal service or first-class mailing of a second notice that the  
14                  penalty is due. The second notice must be served or mailed no  
15                  sooner than 30 days after the day the first notice was served or  
16                  mailed and must contain a notice stating that a collection  
17                  assistance fee will be assessed if the penalty is not paid within  
18                  30 days after the service or mailing of the second notice, the  
19                  date when the collection assistance fee will be assessed, and the  
20                  amount of the collection assistance fee. The collection  
21                  assistance fee shall not exceed twenty percent (20%) of the civil  
22                  penalty assessed pursuant to subdivision (2) of this subsection.
- 23          b.     Collection assistance fees shall be placed in a separate fund that  
24                  may be used only for the purpose of paying for the costs of  
25                  collection expended to collect civil penalties that remain unpaid  
26                  30 days after the service or mailing of the second notice  
27                  required pursuant to sub-subdivision a. of this subdivision."

28       **SECTION 2.** G.S. 160A-300.1(d) reads as rewritten:

29       "(d) This section applies only to the Cities of Albemarle, Charlotte, Durham,  
30 Fayetteville, Greensboro, Greenville, High Point, Locust, Lumberton, Newton, Rocky  
31 Mount, and Wilmington, to the Towns of Chapel Hill, Cornelius, Huntersville,  
32 Matthews, Nags Head, Pineville, and Spring Lake, and to the municipalities in Union  
33 County."

34       **SECTION 3.** Section 1 of this act applies to the Cities of Albemarle,  
35 Charlotte, Durham, Fayetteville, Locust, and Rocky Mount and to the municipalities in  
36 Union County.

37       **SECTION 4.** This act becomes effective September 1, 2007, and applies to  
38 offenses committed on or after that date.