## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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## HOUSE BILL 786 Second Edition Engrossed 4/25/03 Senate Judiciary I Committee Substitute Adopted 6/4/03

Short Title: Parking/Red Light Camera Liability Rules.	(Public)
Sponsors:	
Referred to:	
March 27, 2003	
A BILL TO BE ENTITLED AN ACT TO AMEND LIABILITY RULES THAT APPLY TO CIV AND RED LIGHT CAMERA ENFORCEMENT ACTIONS. The General Assembly of North Carolina enacts:  SECTION 1. G.S. 160A-301 is amended by adding a new	
"(e) The registered owner of a vehicle that has been leased or reperson or company shall not be liable for a violation of an ordinance ad to this section if, after receiving notification of the civil violation within date of occurrence, the owner, within 30 days thereafter, files with tagents of the municipality an affidavit including the name and address of company that leased or rented the vehicle. If notification is given to the vehicle after 90 days have elapsed from the date of the violation, the required to provide the name and address of the lessee or renter and the of the held responsible for the violation."	nted to another opted pursuant 90 days of the he officials or f the person or e owner of the e owner is not
SECTION 2. G.S. 160A-300.1(c) reads as rewritten:  "(c) Municipalities may adopt ordinances for the civil enforcement by means of a traffic control photographic system, as described in subsection. Notwithstanding the provisions of G.S. 20-176, in the event that adopts an ordinance pursuant to this section, a violation of G.S. 20-158 which a traffic control photographic system is in operation shall not be an ordinance authorized by this subsection shall provide that:  (1) The owner of a vehicle shall be responsible for a violation owner can furnish evidence that the vehicle was, at the violation, in the care, custody, or control of another person of the vehicle shall not be responsible for the violation.	etion (a) of this a municipality at a location at a infraction. An tion unless the he time of the son. The owner

the vehicle, within 2130 days after notification of the violation,

1		furnishes the officials or agents of the municipality which issued the
2		citation either of the following:
3		a. An affidavit stating The the name and address of the person or
4		company who leased, rented, or otherwise had the care
5		custody, and control of the vehicle; or vehicle.
6		b. An affidavit stating that the vehicle involved was, at the time
7		stolen stolen. The affidavit must be supported with evidence
8		that supports the affidavit, including insurance or police report
9		information. or in the care, custody, or control of some person
10		who did not have permission of the owner to use the vehicle.
11	<u>(2)</u>	Subdivision (1) of this subsection shall not apply, and the registered
12	<del></del>	owner of the vehicle shall not be responsible for the violation, if notice
13		of the violation is given to the registered owner of the vehicle more
14		than 90 days after the date of the violation.
15	<del>(2)</del> (3)	A violation detected by a traffic control photographic system shall be
16	( )	deemed a noncriminal violation for which a civil penalty of fifty
17		dollars (\$50.00) shall be assessed, and for which no points authorized
18		by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle
19		nor insurance points as authorized by G.S. 58-36-65.
20	<del>(3)</del> (4)	The owner of the vehicle shall be issued a citation which shall clearly
21	( )	state the manner in which the violation may be challenged, and the
22		owner shall comply with the directions on the citation. The citation
23		shall be processed by officials or agents of the municipality and shall
24		be forwarded by personal service or first-class mail to the address
25		given on the motor vehicle registration. If the owner fails to pay the
26		civil penalty or to respond to the citation within the time period
27		specified on the citation, the owner shall have waived the right to
28		contest responsibility for the violation, and shall be subject to a civil
29		penalty not to exceed one hundred dollars (\$100.00). The municipality
30		may establish procedures for the collection of these penalties and may
31		enforce the penalties by civil action in the nature of debt.
32	<del>(4)</del> (5)	The municipality shall institute a nonjudicial administrative hearing to
33	( ) 3 - 1	review objections to citations or penalties issued or assessed under this
34		section."

**SECTION 3.** This act is effective when it becomes law.

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