

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 298
Education/Higher Education Committee Substitute Adopted 4/1/15

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 that:

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
35 violation is given to the registered owner of the vehicle more than 90 days
36 after the date of the violation.



1 (3) A violation of the ordinance shall be deemed a noncriminal violation for
2 which a civil penalty of five hundred dollars (\$500.00) shall be assessed, and
3 for which no points authorized by G.S. 20-16(c) and no insurance points
4 authorized by G.S. 58-36-65 shall be assigned to the registered owner or
5 driver of the vehicle.

6 (4) The registered owner of the vehicle shall be issued a citation, which shall
7 clearly state the manner in which the violation may be challenged, and the
8 registered owner shall comply with the directions on the citation. The
9 citation shall be processed by officials or agents of the county and shall be
10 forwarded by personal service or first class mail to the address given on the
11 motor vehicle registration. If the registered owner fails to pay the civil
12 penalty or to respond to the citation within the time period specified on the
13 citation, the registered owner shall have waived the right to contest
14 responsibility for the violation and shall be subject to a late penalty of one
15 hundred dollars (\$100.00) in addition to the civil penalty assessed under
16 subdivision (3) of this subsection. In addition, the Division of Motor
17 Vehicles shall refuse to register the motor vehicle for the owner pursuant to
18 G.S. 20-54(11). The county may establish procedures for providing notice to
19 the Division of Motor Vehicles and for the collection of these penalties and
20 may enforce the penalties by civil action in the nature of debt.

21 (5) The county shall institute a nonjudicial administrative hearing to review
22 objections to citations or penalties issued or assessed under this section.

23 (c) Notice. – An automated school bus safety camera installed on a school bus must be
24 identified by appropriate warning signs conspicuously posted on the school bus. All warning
25 signs shall be consistent with a statewide standard adopted by the State Board of Education in
26 conjunction with local boards of education that install and operate automated school bus safety
27 cameras on their school buses.

28 (d) Application. – Nothing in this section shall be construed to do any of the following:

29 (1) Require the installation and operation of automated school bus safety
30 cameras on a school bus.

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

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

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

40 **§ 115C-242.1. Installation and operation of automated school bus safety camera.**

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

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

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

50 (2) A local board of education may enter into a contract to install and operate
51 automated school bus safety cameras with a private vendor. Contracts shall

1 be let in accordance with the provisions of Article 3 of Chapter 143 of the
2 General Statutes. The maximum length of any contract entered into under
3 this subdivision shall be three years.

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

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

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

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

22 **"§ 20-54. Authority for refusing registration or certificate of title.**

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

25 ...

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

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

31 **"§ 20-217. Motor vehicles to stop for properly marked and designated school buses in**
32 **certain instances; evidence of identity of driver.**

33 ...

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

41 (i) In addition to the penalties imposed under this section, the owner or driver of a
42 vehicle may be subject to a civil penalty pursuant to an ordinance adopted under
43 G.S. 153A-246."

44 **SECTION 5.** The North Carolina Administrative Office of the Courts shall
45 annually submit a report covering the most recent five years prior to the reporting date to the
46 North Carolina Child Fatality Task Force and the North Carolina General Assembly by October
47 1 on the following information:

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

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

50 **SECTION 6.** A county that adopts an ordinance as provided in G.S. 153A-246, as
51 enacted by this act, shall maintain records of all noncriminal violations of that ordinance for

1 which a civil penalty is assessed. Upon request, the county shall provide at least five years of
2 those records to the North Carolina Child Fatality Task Force and the North Carolina General
3 Assembly.

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

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