



HOUSE BILL 1126: Red Light Cameras/City of Greenville.

2016-2017 General Assembly

Committee:	Senate Finance	Date:	June 27, 2016
Introduced by:	Reps. Murphy, S. Martin, Farmer-Butterfield	Prepared by:	Cindy Avrette
Analysis of:	Third Edition		Committee Co-Counsel

SUMMARY: *House Bill 1126 makes changes to the City of Greenville's existing authorization to use red light cameras.*

[As introduced, this bill was identical to S877, as introduced by Sens. Pate, D. Davis, which is currently in Senate State and Local Government. The House made technical changes to the bill.]

CURRENT LAW: *Red Light Cameras Currently Authorized:* G.S. 160A-300.1 authorizes certain municipalities, including the City of Greenville, to use traffic control photographic systems to enforce the State law prohibiting a driver from entering an intersection when a traffic light is emitting a steady red signal. G.S. 20-158.¹

Notice/Penalty: Current law applicable to the City of Greenville provides that the owner is notified of the violation and must pay the civil penalty of \$50.00² in the time specified in the citation. If the owner fails to pay the civil penalty or respond to the citation within the time specified, it is increased to up to \$100.00 and the right to contest the citation is forfeited. The municipality is required to establish a nonjudicial administrative hearing process to allow the citation and penalty to be contested.

Yellow Light Interval: Current law, G.S. 160A-300.1(c1), regulates the authorized yellow light interval at red light camera intersections. It provides that the duration of the yellow light change interval "shall be no less than the yellow light change interval duration specified on the traffic signal plan of record signed and sealed by a professional engineer, licensed in accordance with the provisions of Chapter 89C of the General Statutes, and shall comply with the provisions of the Manual on Uniform Traffic Control Devices."

BILL ANALYSIS: House Bill 1126 does the following:

- **Section 1** of the bill makes changes enacted in 2007 to several other red light camera authorizations also applicable to Greenville. This section has the effect of mandating that the clear proceeds of the red light penalties must be paid to the local school board, subject only to deductions for costs of materials and postage directly related to the printing and mailing of required notices and computer services directly related to the production and mailing of the notices. The deductions may not exceed 10% of the civil penalty.³

¹ Greenville's authorization to utilize red light cameras is based on the following session law: S.L. 2000-37

² The authorized penalty for a red light violation varies by municipality. The current authorized penalty for Greenville is \$50. Sections 1 and 3 of this bill, when read together, raise the penalty for Greenville to \$100. It has been raised for other municipalities to \$75 (Albemarle, Charlotte, Durham, Locust, and Rocky Mount; S.L. 2007-341)' and \$100 (Fayetteville; S.L. 2014-84)

³ This requirement is intended to comply with the State Constitution and applicable case law. Art IX., Sec 7, NC Constitution; Shavitz v. City of High Point, 117 N.C. App 465 (2006)

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- **Section 2** of the bill provides that Greenville may enter into a contract with a contractor for the lease, lease purchase, or purchase of a traffic control photographic system. Greenville may enter into only one contract, and the duration of the contract may be for no more than 60 months. After the period specified in the contract has expired, the system shall either be the property of the Greenville, or the system shall be removed and returned to the contractor.
- **Section 3** of the bill raises the penalty for a violation to \$100.00 (effective October 1, 2016).
- **Section 4** authorizes the City of Greenville and the Pitt County Board of Education to enter into an interlocal agreement to carry out the purposes of the Act. The agreement may include provisions on cost sharing and reimbursement that both parties freely and voluntarily agree to.

EFFECTIVE DATE: This act would become effective July 1, 2016, except for the increase in the penalty, which becomes effective October 1, 2016.

BACKGROUND: Similar legislation applicable to the City of Fayetteville was enacted in 2014. [S.L. 2014-84]

Giles Perry, counsel to the House Local Government Committee, substantially contributed to this summary.