



SENATE BILL 298: School Bus Cameras/Civil Penalties

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2015-2016 General Assembly

Committee:	Senate Re-ref to Education/Higher Education. If fav, re-ref to Judiciary II	Date:	April 1, 2015
Introduced by:	Sens. Alexander, McInnis	Prepared by:	Drupti Chauhan and Kara McCraw
Analysis of:	PCS to First Edition S298-CSTC-9		Committee Counsel

SUMMARY: *Senate Bill 298 would allow counties to adopt ordinances for the civil enforcement of a violation of G.S. 20-217 which requires motor vehicles to stop for school buses in certain instances. It would also provide for statewide, regional, or local contracts for the installation and operation of automated school bus safety cameras in school buses.*

The Proposed Committee Substitute authorizes all local boards of education (regardless of size) to enter into their own contracts with vendors for the installation and operation of automated school bus safety cameras; adds a provision authorizing local boards of education to enter into interlocal agreements with the board of county commissioners to implement the act; directs the Administrative Offices of the Courts to report to the Child Fatality Task Force and the General Assembly on charges and convictions under G.S. 20-217; and directs the State Board of Education to develop a model contract for use by the local boards of education.

CURRENT LAW: G.S. 20-217 requires motor vehicles to stop for school buses that are displaying their mechanical stop signals or flashing red lights and are stopped for the purposes of receiving or discharging passengers. Automated camera and video recording systems may be used to detect and prosecute violations of this law and photographs and videos from such systems can be admitted as evidence if consistent with the North Carolina Rules of Evidence.

BILL ANALYSIS:

County Ordinance

Section 1 of the Proposed Committee Substitute (PCS) for SB 298 would provide that counties may adopt an ordinance for the civil enforcement of a violation of G.S. 20-217 which requires motor vehicles to stop for school buses in certain instances.

The registered owner (owner) of a motor vehicle would be responsible for a violation of the ordinance.

The owner would not be responsible for the violation if, within 30 days of the notification of the violation, he or she provides: (i) an affidavit with the name and address of the person who had the care, custody, and control of the vehicle; or (ii) an affidavit that, at the time of the violation, the vehicle was stolen. If the affidavit provides that the vehicle had been stolen, there must also be evidence that supports this assertion such as a police or insurance report.

The owner also is not responsible for the violation if the notice is given to the owner more than 90 days after the violation.

A violation of the civil ordinance would be a noncriminal violation for which a civil penalty of \$500.00 must be assessed. No points shall accrue for driver's license or insurance purposes. Points may still be imposed if there is a conviction of a criminal misdemeanor or felony violation of G.S. 20-217.

O. Walker Reagan
Director



Research Division
(919) 733-2578

* S 2 9 8 - S M R Q - 1 0 C S T C - 9 - V 5 *

Senate Bill 298

Page 2

The citation for the violation of the ordinance must state how the violation may be challenged and is to be processed by officials or agents of the county and forward by personal service or first class mail to the address given on the motor vehicle registration. Failure to pay the civil penalty or respond to the citation within the specified time period results in the owner's waiver of the right to contest responsibility for the violation and would result in a late penalty of \$100.00 in addition to the \$500.00 civil penalty.

The Division of Motor Vehicles must refuse to register any vehicle for the owner and the county may establish the procedures for providing notice to the Division of Motor Vehicles. The county may also establish the procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of the debt.

Required Notice of Cameras – The PCS would provide that an automated school bus safety camera installed on a school bus must be identified by appropriate warning signs posted on the school bus. All warning signs must be consistent with a statewide standard adopted by the State Board of Education (SBE) along with the local boards of education that install and operate automated school bus safety cameras on their school buses.

Installation and Operation of Automated School Bus Safety Cameras

Section 2 of the PCS provides that a local board of education (local board) may install and operate automated school bus safety cameras on any school bus operated by that local board within a county that adopted an ordinance for the civil enforcement of a violation of G.S. 20-217 as provided in Section 1 of the PCS.

The procedure for the installation and operation of automated school bus safety cameras would be as follows:

- A local board may install and operate automated school bus safety cameras without contracting with a private vendor.
- A local board may enter into a contract to install and operate automated school bus safety cameras with a private vendor. Such contracts must be let in accordance with the provisions of Article 3 of Chapter 143 of the General Statutes with the maximum length of the contract being 3 years.
- Upon request by one or more local boards, the State Board of Education (SBE) must enter into a contract for a statewide service or contracts for regional services to install and operate automated school bus safety cameras with a private vendor. Such contracts must be let in accordance with the provisions of Article 3 of Chapter 143 of the General Statutes with the maximum length of the contract being 3 years.

A local board of education and a board of county commissioners may enter into an interlocal agreement to effectuate the purpose of ordinance and the installation and operation of the automated school bus safety cameras. This agreement may include provisions on cost-sharing and reimbursements.

Photographs and videos recorded by an automated school bus safety camera that capture a violation of G.S. 20-217 must be provided to investigating law enforcement agencies for use as evidence in proceedings concerning a violation of G.S. 20-217.

Sections 3 and 4 of the PCS make conforming changes that (i) direct the Division of Motor Vehicle to refuse registration if the owner of the vehicle has failed to pay the civil penalty under the county ordinance and (ii) provide that failure to produce a photograph or video recorded by an automated school bus safety camera does not preclude criminal prosecution under G.S. 20-217; and (iii) clarify that

Senate Bill 298

Page 3

the owner or driver of the vehicle can be civil penalty under the county ordinance in addition to the criminal penalty for a violation of G.S. 20-217.

Section 5 of the PCS requires the NC Administrative Offices of the Courts to annually report on the most recent 5 years to the NC Child Fatality Task Force and the NC General Assembly on the total number of offenses charged and convictions under G.S. 20-217 by county.

Section 6 of the PCS requires a county that adopts the civil ordinance to maintain records of all noncriminal violations of the ordinance for which a civil penalty is assessed and provide at least 5 years of those records upon request to the NC Child Fatality Task Force and the NC General Assembly.

Section 6.5 of the PCS requires the SBE to develop a model contract for use by the local boards in letting and awarding contracts for the installation and operation of the automated school bus safety cameras. The SBE and the Department of Public Instruction must provide technical assistance to a local board if requested to do so.

EFFECTIVE DATE: This act would become effective July 1, 2015 and applies to offenses and violations committed on or after that date. The requirements for local boards entering into their own contracts with private vendors do not apply to a local board that entered into a contract before July 1, 2015.