



# SENATE BILL 298: School Bus Cameras/Civil Penalties

2015-2016 General Assembly

|                       |                                       |                     |                   |
|-----------------------|---------------------------------------|---------------------|-------------------|
| <b>Committee:</b>     | Senate Judiciary II                   | <b>Date:</b>        | April 15, 2015    |
| <b>Introduced by:</b> | Sens. Alexander, McInnis              | <b>Prepared by:</b> | Bill Patterson    |
| <b>Analysis of:</b>   | PCS to Second Edition<br>S298-CSTG-10 |                     | Committee Counsel |

**SUMMARY:** *The PCS for 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 PCS also: authorizes all local boards of education 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.*

*The PCS changed the second edition of the bill to: provide a process in G.S. 153A-246(b)(5) for fining a person identified by the owner in an affidavit as having had custody or control of the vehicle at the time of the violation of G.S. 20-217; add G.S. 153A-246(b)(7) to prohibit assessing a civil penalty against a person who was subject to criminal prosecution for violation of G.S. 20-217 arising out of the same facts; and delete language in Section 4 of the bill that would have permitted imposition of a civil penalty in addition to criminal liability under G.S. 20-217.*

*[As introduced, this bill was identical to H536, as introduced by Reps. Hanes, Lambeth, Tine, which is currently in House Judiciary II, if favorable, Finance.]*

**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 enact a new G.S. 153A-246, authorizing counties to adopt an ordinance for the civil enforcement of a violation of G.S. 20-217 utilizing automated school bus safety cameras.

Under new G.S.153A-246(b), violation of the ordinance is deemed a noncriminal violation for which a civil penalty of \$500 can be assessed. The registered owner of a vehicle found to have passed a stopped school bus in violation of G.S. 20-217 would be responsible for the civil penalty unless the owner does not receive notice of the violation within 90 days of its occurrence. The owner can also avoid the civil penalty by providing an affidavit within 30 days of the notification of the violation stating: (i) the name and address of a person other than the owner who had the care, custody, and control of the vehicle; or



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(ii) an affidavit stating 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.

No points shall be assigned for driver's license or insurance purposes for a violation of the ordinance, unless . Points may still be imposed if there is a conviction of a criminal misdemeanor or felony violation of G.S. 20-217.

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.

If the owner by affidavit identifies another person in whose care, custody or control the vehicle was at the time of the violation, that person can be issued a citation and is subject to the civil penalty and late fee if not paid within the time stated in the citation.

An bus equipped with an automated school bus safety camera installed on a school bus would be required to be identified by appropriate warning signs posted on the school bus that comply 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 would enact a new G.S. 115C-242.1 authorizing a local board of education to install and operate automated school bus safety cameras on any school bus operated by that local board within a county that has 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.

The PCS would authorize a local board and a board of county commissioners to enter into an interlocal agreement furthering the purpose of the ordinance and the installation and operation of the automated school bus safety cameras, including provisions for 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.

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**Sections 3** amends G.S. 20-54 to direct the Division of Motor Vehicle to refuse vehicle registration if the owner of the vehicle has failed to pay the civil penalty under the county ordinance.

**Section 4** amends G.S. 20-217 to 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 to make conforming changes.

**Section 5** requires the NC Administrative Office of the Courts to annually submit a report covering 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** 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** 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 becomes 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 such a contract before July 1, 2015.

*Drupti Chauhan and Kara McCraw, counsel to Senate Committee on Education/Higher Education, substantially contributed to this summary.*