



SENATE BILL 55: School Bus Cameras/Civil Penalties.

2017-2018 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	March 9, 2017
Introduced by:	Sens. McInnis, Alexander	Prepared by:	Bill Patterson Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: *Senate Bill 55 would:*

- *Authorize counties to adopt ordinances imposing civil penalties for passing a stopped school bus in violation of G.S. 20-217 when the violation does not result in injury or death or is not criminally prosecuted.*
- *Authorize local boards of education to install and operate automated school bus safety cameras themselves, or to contract with vendors for the installation and operation of the cameras.*
- *Require the State Board of Education, upon request of local boards, to enter into regional or statewide contracts with private vendors to install and operate the cameras, and to develop a model request for proposals and contract for use by local boards.*
- *Authorize interlocal agreements between local boards of education, boards of county commissioners and law enforcement agencies as necessary to effectuate the purpose and intent of the act.*
- *Direct each county adopting such an ordinance to maintain records of all violations to be provided upon request to the Child Fatality Task Force and the General Assembly.*

[As introduced, this bill was identical to H72, as introduced by Reps. Hanes, Lambeth, which is currently in House Judiciary I.]

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 while stopped for the purposes of receiving or discharging passengers. For purposes of G.S. 20-217, the term "school bus" includes a public school bus transporting children or school personnel, a public school bus transporting senior citizens under G.S. 115C-243, or a privately owned bus transporting children. G.S. 20-217 applies only if the school bus has a plainly visible sign containing the words "school bus" upon the front and rear of the bus. Automated camera and video recording systems may be used to detect and prosecute violations of this law, and photographs and videos from such systems shall be admitted as evidence if consistent with the North Carolina Rules of Evidence.

BILL ANALYSIS:

Section 1 of the bill 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. The ordinance would not apply to any violation that results in injury or death.

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An ordinance adopted pursuant to this section would be required to include the following provisions:

- The notice of violation must be in the form of a citation that must be received by the registered owner of the vehicle within 60 days of the date of violation.
- The registered owner will be responsible for the violation unless the citation was not received within 60 days of the violation or the vehicle was under someone else's care, custody, or control at the time of the violation, in which case a citation may be issued to that person.
- A citation can be contested by the recipient within 30 days of its receipt by making a written request for a hearing supported by an affidavit stating the basis for the challenge.
- The citation must include: a statement of the date, time and location of the violation; the amount of the penalty imposed and date by which it must be paid; an image of the violating vehicle; a statement or electronically generated affirmation of a law enforcement officer, employed by a law enforcement agency that has contractually agreed to provide this service, that the recorded images showed a violation of the ordinance by the vehicle; information concerning how to contest the citation; and an explanation of the consequences of failing to pay the penalty or contest the citation in a timely manner.
- Violation of the ordinance is a noncriminal violation for which a civil penalty can be assessed and violation of the ordinance does not result in assignment of points for driver's license or insurance purposes.
- A law enforcement agency must provide the county citation processing office written notice containing the name and address of each person criminally charged by that agency with violating G.S. 20-217, and stating the date of the violation. After receiving such notice, the county shall not impose a civil penalty against a person arising out of the same facts as those for which that person was criminally charged. The county must also fully refund any civil penalty received from a person who is criminally charged with violating G.S. 20-217, together with interest at the legal rate.
- The civil penalty is \$400 for the first offense, \$750 for the second offense, and \$1,000 for any subsequent offense.
- The citation must be processed by officials or agents of the county and served by first class mail or by any means permitted under Rule 4 of the North Carolina Rules of Civil Procedure.
- A person making a timely request for a hearing to contest a citation must be given a nonjudicial administrative hearing and has a right of appeal to district court from any adverse decision reached at the hearing.
- Failure to pay the civil penalty or request for a hearing within 30 days of receiving the citation is a waiver of the right to contest liability and will result in imposition of a late penalty of \$100 in addition to the civil penalty.
- The county will notify the Division of Motor Vehicles of any registered owner of a motor vehicle who receives a citation and fails to pay it when due and the Division will refuse to register that owner's motor vehicle in accordance with G.S. 20-54(11) (as amended in Section 3 of the bill).

Section 1 would require automated school bus safety cameras to be identified with conspicuous warning signs on the bus complying with a statewide standard adopted by the State Board of Education, and would state that the General Assembly encourages criminal prosecution for violations of G.S. 20-217

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whenever the photos or videos recorded by an automated school bus safety camera provide evidence sufficient to support such prosecution.

Section 2 would authorize a local board of education in a county with an ordinance adopted pursuant to Section 1 to install and operate automated school bus safety cameras on any school bus operated by that local board by one of the following means:

- A local board could install and operate the cameras itself without contracting with a private vendor.
- A local school board could contract with a private vendor to install and operate the cameras for a contract term of up to three years, with an option to renew the contract for one additional three-year term. The contract would have to be awarded under State law bidding procedures applicable to purchases of apparatus, supplies, materials or equipment.
- Upon request by one or more local boards, the State Board of Education could enter into a contract with a private vendor to install and operate automated school bus safety cameras on a statewide or regional basis.

Section 2 would authorize an interlocal agreement between a local board of education, board of county commissioners, and law enforcement agency 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. (Pursuant to G.S. 153A-246(b)(4)c., as enacted under Section 1 of the bill, citations can be issued only for violations that are confirmed by review of the recorded image or video by a law enforcement officer employed by an agency that is a party to the interlocal agreement.)

Section 2 also requires photographs and videos recorded by an automated school bus safety camera capturing violations of G.S. 20-217 to be provided to investigating law enforcement agencies for use as evidence in prosecuting such violations.

Section 3 would amend G.S. 20-54 to direct the Division of Motor Vehicle to refuse vehicle registration if notified by a county that the owner of the vehicle has failed to pay the civil penalty imposed under the county ordinance.

Section 4 would amend 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 other conforming changes.

Section 5 would require a county that adopts a civil ordinance authorized by Section 1 to maintain records of all violations of the ordinance for which a civil penalty is assessed and, upon request, provide at least 5 years of those records to the NC Child Fatality Task Force and the NC General Assembly.

Section 6 would require the State Board of Education to develop a model request for proposals and a model contract that may be used by local boards in letting contracts for the installation and operation of the automated school bus safety cameras, and would require the State Board and the Department of Public Instruction to provide technical assistance to a local board regarding this process if requested to do so.

EFFECTIVE DATE: Section 3 of this act becomes effective one year after the act becomes law, and would apply to the registration of motor vehicles whose owners' failure to pay the civil penalty is reported to the DMV on or after the effective date of the act. The remainder of this act is effective when it becomes law. The contract requirements in G.S. 115C-242.1(b)(2), as enacted by Section 2 of this act, shall not apply to a local board of education that, prior to the effective date, entered into a contract with a private vendor to install and operate automated school bus safety cameras.

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