



SENATE BILL 55: School Bus Cameras/Civil Penalties.

2017-2018 General Assembly

Committee:		Date:	August 3, 2017
Introduced by:		Prepared by:	Bill Patterson Staff Attorney
Analysis of:	S.L. 2017-188		

OVERVIEW: *S.L. 2017-188 authorizes counties to impose a civil penalty on the owner of a vehicle that is recorded unlawfully passing a stopped school bus by a school bus safety camera, as long as the driver is not criminally prosecuted and no injury or death occurred. Failure to pay the civil penalty will prevent the owner from registering the vehicle with the Division of Motor Vehicles (DMV). Counties enacting the ordinance must maintain records of all violations resulting in imposition of a civil penalty and provide them upon request to the North Carolina Child Fatality Task Force and the General Assembly. Local school boards may contract with private vendors to install and operate the school bus safety cameras. The act's vehicle registration provision becomes effective July 25, 2018, and applies to payment delinquencies reported to the DMV on or after that date. The remainder of the act became effective July 25, 2017.*

CURRENT LAW:

Passing a stopped school bus is a criminal offense and subjects the offender to a minimum fine of between \$500 and \$2,500 and to potential license revocation. If the fine is not paid, the DMV does not renew the offender's vehicle registration.

BILL ANALYSIS:

Section 1 authorizes a county to adopt an ordinance permitting the issuance of a citation and imposition of a civil penalty for passing a stopped school bus when the violation is detected by the use of automated school bus safety cameras, provided that no injury or death occurred and the owner was not criminally prosecuted. Violation does not result in points being assigned for driver's license or insurance purposes. Buses equipped with the cameras must be so identified by signs complying with a statewide standard adopted by the State Board of Education (SBOE).

Any citation must be processed by officials or agents of the county and served by first-class mail or as provided under Rule 4 of the North Carolina Rules of Civil Procedure, and must be received by the registered owner of the vehicle within 60 days of the date of violation. To avoid responsibility for the violation the owner must establish that the citation was not timely received or that the vehicle was under someone else's care, custody, or control at the time of the violation.

An owner has 30 days after receiving a citation to request a hearing in writing, supported by an affidavit stating the basis for the challenge. The owner can appeal to district court from any adverse decision resulting from the hearing.

A citation must disclose the date, time and location of the violation, the penalty amount and the due date for payment, a recorded image of the violation, a law enforcement officer's statement that the image depicts a violation, instructions on how to contest the citation, and the consequences of failing to pay the penalty or requesting a hearing within the time required.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

Senate Bill 55

Page 2

A charging law enforcement agency must provide the county with the name and address of anyone criminally charged with passing a stopped school bus and the date of the violation. After receiving the notice, the county is not permitted to impose a civil penalty against that person arising out the same facts as those giving rise to the criminal charge. A county must refund any civil penalty payment it receives from a person who, based on the same facts, is criminally charged for passing a stopped school bus, together with interest at the legal rate from the date of the payment.

The civil penalty is \$400 for the first offense, \$750 for the second offense, and \$1,000 for a subsequent offense. Owners who fail to pay the civil penalty without making a timely request for a hearing must pay an additional late penalty of \$100, and will be deemed to have waived the right to contest liability.

A county must provide notice to the DMV of any registered owner of a motor vehicle who fails to pay a citation when due. Criminal prosecution is encouraged whenever photos or videos recorded by a school bus safety camera provide evidence sufficient to support such prosecution.

Section 2 permits local school boards to install and operate the school bus cameras, or contract with a private vendor to do so. Alternatively, one or more local boards can request the SBOE to enter into a statewide or regional contract with a private vendor to install and operate the cameras. Any such contracts must be let in compliance with State law bidding procedures. A local board, board of county commissioners, and law enforcement agency can enter into an agreement to further the purpose of the ordinance, including an agreement for cost-sharing and reimbursements. Photographs and videos recorded by a school bus safety camera must be provided to investigating law enforcement agencies.

Section 3 prohibits vehicle registration if the DMV has been notified that the owner failed to pay a civil penalty imposed for passing a stopped school bus.

Section 4 provides that criminal prosecution is not precluded by the failure to produce a photograph or video of the violation recorded by a school bus safety camera.

Section 5 requires counties to maintain records of violations of the ordinance for which a civil penalty is assessed and provide them to the North Carolina Child Fatality Task Force and the General Assembly upon request.

Section 6 requires the SBOE to develop a model request for proposals and contract for local board use by October 23, 2017, and to provide technical assistance to any local board requesting such assistance.

EFFECTIVE DATE: Section 3 of this act becomes effective on July 27, 2018, and applies to registration of motor vehicles whose owners' failure to pay the civil penalty is reported to the DMV on or after that date. The remainder of this act became effective on July 27, 2017. The contract requirements in G.S. 115C-242.1(b)(2), as enacted by Section 2 of this act, do not apply to a local board of education that entered into a contract with a private vendor to install and operate school bus safety cameras before July 27, 2017.

Legislative Analysis Division Staff Attorneys Drupti Chauhan and Kara McCraw substantially contributed to this summary.