



HOUSE BILL 105: Red Light Cameras/Hope Mills & Spring Lake.

2019-2020 General Assembly

Committee: House State and Local Government. If **Date:** February 27, 2019
favorable, re-refer to Judiciary. If favorable,
re-refer to Transportation. If favorable, re-refer
to Rules, Calendar, and Operations of the
House

Introduced by: Reps. Lucas, Floyd, Szoka, Richardson **Prepared by:** Howard Marsilio
Analysis of: First Edition Committee Counsel

OVERVIEW: *House Bill 105 would authorize the Town of Hope Mills to use cameras to identify and penalize persons who violate the red light statute, and it makes changes to the Town of Spring Lake's existing authorization to use red light cameras. Both Towns are located in Cumberland County.*

CURRENT LAW: G.S. 160A-300.1 authorizes more than 20 municipalities¹ to use traffic control photographic systems to enforce the State law² prohibiting a driver from entering an intersection when a traffic light is emitting a steady red signal. The camera must meet standards set by the Department of Transportation, and appropriate warning signs must be conspicuously posted not more than 300 feet from the location of the red light camera system. The duration of the yellow light change interval at the intersection where a camera is used must 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 and must be in compliance with the Manual on Uniform Traffic Control Devices.

S.L. 2007-341³ amended G.S. 160A-300.1 to address constitutional issues raised by the North Carolina Court of Appeals in *Shavitz v. City of High Point*, 177 N.C. App. 465 (2006). Under G.S. 160A-300.1, as amended by S.L. 2007-341, a violation detected by a red light camera is a noncriminal violation for which a civil penalty of \$50⁴, \$75⁵, or \$100⁶ is assessed, depending on the municipality; no points or insurance points are assigned to the owner or driver of the vehicle. The owner of the vehicle must either pay the civil penalty or challenge⁷ the assessment within 30 days after the date the citation is served or mailed. If the owner fails to respond to the citation within the time allowed, the civil penalty is increased to \$100 and the right to contest the citation is forfeited.

¹ Cities of Albemarle, Charlotte, Durham, Fayetteville, Greensboro, Greenville, High Point, Locust, Lumberton, Newton, Rocky Mount, and Wilmington; the Towns of Chapel Hill, Cornelius, Huntersville, Matthews, Nags Head, Pineville, and Spring Lake; and to the municipalities in Union County. A separate session law authorizes use of red light cameras in Wake County municipalities, and in Concord.

² G.S. 20-158.

³ The changes made to G.S. 160A-300.1 by S.L. 2007-341 apply to the Cities of Albemarle, Charlotte, Durham, Fayetteville, Greenville (see S.L. 2016-64), Locust, and Rocky Mount, and to the municipalities in Union County.

⁴The authorized penalty is \$50 in all municipalities except those listed in Note 5 and 6 below.

⁵ The authorized penalty is \$75 in Albemarle, Charlotte, Durham, Locust, and Rocky Mount, and to the municipalities in Union County.

⁶ The authorized penalty is \$100 in Fayetteville and Greenville.

⁷ A municipality is required to establish a nonjudicial administrative hearing process to allow the citation and penalty to be contested.

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House Bill 105

Page 2

The clear proceeds of the penalty must be paid to the local school board, subject only to deductions for the costs of producing and mailing citation notices to the vehicle owners, and those costs cannot exceed 10% of the civil penalty assessed. A municipality may assess a collection assistance fee, not to exceed 20% of the civil penalty assessed, if the civil penalty has not been paid within 30 days after a second notice.

BILL ANALYSIS:

Section 1 & Section 2 of House Bill 105 would amend the existing local authority for the Town of Spring Lake to use a red light camera system and to include the changes made by S.L. 2007-341. It would authorize the Town of Hope Mills to use a red light camera system, consistent with the law as amended by S.L. 2007-341. In addition to the general authority granted to these two towns under G.S. 160A-300.1, as amended by S.L. 2007-341, the bill would do the following⁸:

- **Section 3** would increase the authorized civil penalty for an initial citation from \$75 to \$100 for Spring Lake⁹, and authorize Hope Mills to impose a \$100 civil penalty for an initial citation. The bill would not change the \$100 penalty that would normally apply upon a second notice of the violation. Thus, the civil penalty amount would not increase if it remains unpaid after 30 days.
- **Section 4** would make a clarification applicable to the City of Fayetteville, and the Towns of Hope Mills and Spring Lake that the total amount of the combined civil penalty assessed shall not exceed \$100 in total.
- **Section 5** would provide that the Towns of Hope Mills and Spring Lake may enter into a contract with a contractor for the lease, lease purchase, or purchase of a traffic control photographic system. They 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 town, or the system shall be removed and returned to the contractor.
- **Section 6** would authorize the Towns of Hope Mills and Spring Lake to enter into an interlocal agreement with the Cumberland County School Board to carry out the purposes of the Act. The agreement may include provisions on sharing the cost of operating the red light camera system. The 2006 Court of Appeals decision¹⁰ held that the deduction of the operating costs from the proceeds of the civil penalty was a violation of Article IX, Section 7 of the State Constitution, which requires the clear proceeds of a penalty be remitted to the county school board. To address that holding, the bill authorizes the school board to voluntarily agree, through an interlocal agreement, to pay all or a portion of the operating costs of the system.

EFFECTIVE DATE: Section 4 of this act applies to the City of Fayetteville and to the Towns of Hope Mills and Spring Lake. The remainder of this act applies only to the Towns of Hope Mills and Spring Lake and the Cumberland County Board of Education. Section 3 of this act becomes effective October 1, 2019, and applies to violations committed on or after that date. The remainder of this act becomes effective July 1, 2019.

⁸ The General Assembly has enacted similar legislation that incorporates these changes for the following cities: Fayetteville, S.L. 2014-84, and Greenville, S.L. 2016-64.

⁹ See G.S. 160A-300.1(c)(2), Section 3 of S.L. 2007-341, and Section 3 of this act.

¹⁰ The City of High Point filed a Petition for Discretionary Review with the North Carolina Supreme Court, but the Court denied the petition on June 28, 2007.