



HOUSE BILL 1024: Durham Traffic Crash Investigators.

2021-2022 General Assembly

Committee:	House Local Government. If favorable, re- refer to Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	June 14, 2022
Introduced by:	Reps. Morey, Alston, Hawkins	Prepared by:	Billy R. Godwin Staff Attorney
Analysis of:	PCS to First Edition H1024-CSBD-34		

OVERVIEW: *The proposed committee substitute (PCS) to House Bill 1024 would authorize the City of Durham to use Traffic Crash Investigators to investigate traffic accidents involving only property damage.*

CURRENT LAW: G.S. 20-166.1 governs the reports and investigations required in the event of a traffic accident and requires the appropriate law enforcement agency to investigate a reportable accident (G.S. 20-166.1(e)). A "reportable accident" is a crash involving a motor vehicle that results in (i) the death or injury of a human being, (ii) property damage of \$1,000 or more, or (iii) property damage of any amount to a vehicle seized for an offense involving impaired driving while license revoked (G.S. 20-4.01(33b)). The accident report must contain insurance information for the vehicle driven by the person identified by the reporting officer as at fault for the accident. Reports by the State Highway Patrol must forward the report to the Division of Motor Vehicles (DMV). Reports by officers not members of the State Highway Patrol must be forwarded to the local law enforcement agency for the area where the accident occurred. A local law enforcement agency that receives an accident report must forward it to DMV within 10 days after receiving the report.

G.S. 20-166.1(i) provides that a report of an accident made by a person who is not a law enforcement officer is without prejudice, is for the use of DMV only, and cannot be used in any manner as evidence, or for any other purpose in any trial, civil or criminal, arising out of the accident. Reports made by persons not law enforcement officers or medical examiners are not public records. Reports made by law enforcement officers and medical examiners are public records.

BILL ANALYSIS: The PCS to House Bill 1011 would authorize the City of Durham to employ nonsworn Traffic Crash Investigators (TCIs) to investigate traffic crashes, and to establish minimum standards for employment as a Traffic Crash investigator.

- Each TCI would be required to attend a training program designed by the Durham Police Department (in consultation with the North Carolina Justice Academy) and spend not less than four weeks of field training with a law enforcement officer with experience conducting traffic crash investigations.
- Each TCI would be issued credentials (not badges), uniforms, and may be issued vehicles with red or amber lights (blue lights would not be allowed). The uniform must be substantially different in color from that of a Durham law enforcement officer, clearly display the TCIs name, and bear patches that clearly identify the individual as a TCI.

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- TCIs would investigate only crashes involving only property damage (any crash involving personal injury or fatalities would still be investigated by a law enforcement officer).
- TCIs would comply with all provisions of G.S. 20-166.1 governing accident reports and investigations and their reports would be treated the same as if completed by law enforcement for purposes of evidence and trial.
- TCIs would have no arresting authority or be issued any type of weapon.
- TCIs would have the same authority as a law enforcement officer to (i) tow or remove a vehicle that is obstructing a public street or highway and to (ii) direct all traffic in conformance with law and when conditions may require in the event of a fire, emergency, or when necessary to expedite traffic or to ensure safety.
- The City of Durham would submit a written report on the training and use of TCIs to the House Appropriations Subcommittee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety, no later than December 31, 2023. The report would cover the time period between the act's effective date and November 1, 2023.

EFFECTIVE DATE: This act is effective when it becomes law.

BACKGROUND: The City of Fayetteville (S.L. 2006-100) and the City of Wilmington (S.L. 2007-218) have been granted authority to employ Civilian Traffic Investigators.