

**Knightdale Police Department
Safelight Knightdale
315 N. Academy St. Suite 204
Cary, NC 27513**

IN ORDER TO PAY THE FINE, make sure this address appears in the window of the enclosed envelope.

**Safelight Knightdale
Payment Center
P.O.Box 76671
Cleveland, OH 44101-6500**

**GEORGE ALLEN DEATON JR
1304 PRAT CT
RALEIGH, NC 27606**

Notice of Traffic Violation

Tear Here

Tear Here

Tear Here

IF YOU WERE NOT THE DRIVER, make sure this address appears in the window of the enclosed envelope.

**Redflex Enforcement Office
315 N. Academy St. Ste. 204
Cary, NC 27513**

Fold Here

Fold Here

Fold Here

OPTION A: MAKE A PAYMENT

SAFELIGHT KNIGHTDALE

Violator Name: **GEORGE ALLEN DEATON JR**

Citation #: **KN00050048**

Thank you in advance for responding to this notice by **11/30/2012** so that we can avoid additional fines and civil action against you.

Check or Money Order Please make check or Money Order payable to "**SAFELIGHT KNIGHTDALE**"
(ensure address on reverse side appears in the window of the envelope)

Credit Card Visa Card# _____ Expiration Date: Month _____ Year _____
 MasterCard Security Code (from the back of the Card) _____

Credit card payments can also be made online at: www.photonotice.com (Enter City code: **KNC**)
Payments **CAN NOT** be made in person. Please mail payments to the address on the reverse side.

Name as it appears on card : _____

Mailing Address: _____ City _____ State _____ Zip _____

Signature _____ Date: ____/____/____

FINE AMOUNT : 50.00 PAID : 0.00



Tear Here

Tear Here

Tear Here

SAFELIGHT KNIGHTDALE

OPTION B: AFFIDAVIT OF NON-LIABILITY - IDENTIFY NEW OWNER OR DRIVER (see instructions on Page 4)

Violator Name: **GEORGE ALLEN DEATON JR**

Citation #: **KN00050048**

New Owner Name (Last, First, Middle): _____ Driver's License #: _____

Address (Number & Street): _____ Driver's License State: _____

City, State, Zip Code: _____ Date of Birth: _____

Driver /Lessee Name (Last, First, Middle): _____ Driver's License #: _____

Address (Number & Street): _____ Driver's License State: _____

City, State, Zip Code: _____ Date of Birth: _____

Stolen Police Dept. Reported To: _____ Date: _____

Police Report #: _____ Signature: _____

Subscribed and Sworn to before me, a Notary of the State of _____, on this _____ day of _____ 20_____

Notary Public

You may also fax this form to 919-380-9498



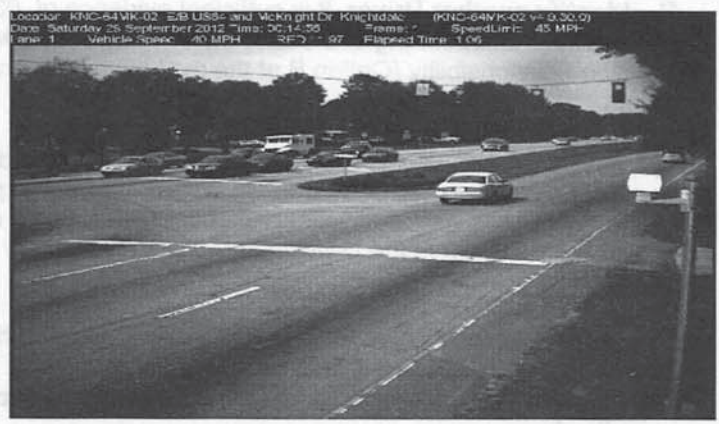
**SAFELIGHT KNIGHTDALE
TOWN OF KNIGHTDALE, NC
NOTICE OF VIOLATION**

NOTICE NUMBER: KN00050048

Unfortunately, and as you can see from the photos to the right, the vehicle registered in your name and described below appears to have run a red light. Such action violates the Knightdale Town Ordinance 03-06-02-001.

It is 12:14 AM--just after midnight and the sun is shining.

DATE OF VIOLATION: September 29, 2012		TIME OF VIOLATION: 12:14 AM
REGISTERED OWNER OR LESSEE: GEORGE ALLEN DEATON JR		
ADDRESS: 1304 PRAT CT		
CITY: RALEIGH	STATE: NC	ZIP CODE: 27606
VEH. LIC.NO: AFK9833	STATE: NC	VEH. YEAR: 2003
VEH. MAKE: BUICK	BODY STYLE: 4 door Automobile	
PLEASE NOTE THAT RECORDED IMAGES DO CONSTITUTE EVIDENCE OF A VIOLATION OF 03-06-02-001 FAILURE TO STOP AT RED LIGHT.		
LOCATION OF VIOLATION: US 64 & McKnight Rd WB		
THIS VIOLATION WAS NOT COMMITTED IN MY PRESENCE. BASED UPON MY REVIEW AND INSPECTION OF THE RECORDED IMAGES, I STATE THAT A VIOLATION OF 03-06-02-001 DID OCCUR. I DECLARE, UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF NORTH CAROLINA, THAT THE FOREGOING IS TRUE AND CORRECT.		
10/10/2012		Travis Price
DATE ISSUED	SIGNATURE	KNIGHTDALE POLICE OFFICER
Please respond to this notice in one of the following ways		
1. Submit the \$50 payment for the civil penalty. (See payment coupon on Option A page 2)		
2. Provide information as to the driver of the vehicle. (See Affidavit coupon on Option B page 2)		
3. Request a hearing to review the notice. (See page 4)		
Please respond no later than 11/30/2012 to avoid an additional penalty of \$50.00 and civil action against you.		



Travis Price most likely commits perjury. It is obvious that Price neither reviewed the ticket nor watched the video. The sun does not shine at midnight in Knightdale. Perjury is a felony in North Carolina. Price's offense is similar to Cary's Brad Hudson's offense. Hudson signed Redflex tickets for Cary just as Price does for Knightdale. Hudson accused at least 31 people of running a red light but the photos and videos showed them running blinking yellow arrows. Hudson did not review or watch anything before letting Redflex issue tickets.

made online at:
code: KNC)

1. Reason You Received This Notice:

A vehicle registered in your name was photographed failing to stop for an official red traffic control signal, or the registered owner of the vehicle depicted on this citation has submitted an Affidavit naming you as the driver of the vehicle at the time of the offense. This is a violation of Knightdale Town Ordinance 03-06-02-001.

2. You Must Select One of the Following Options. Complete the coupon on the Options Page for the option you select and return the coupon in the enclosed envelope. Make sure the mailing address on the reverse side of the coupon appears in the window of the enclosed envelope.

A. Payment Methods. As the registered owner of the vehicle described in this Notice, we have no choice but to hold you responsible for paying this fine by: **11/30/2012**, any profits from which go to our public school system. No points will be assessed to your driving record, and no record of this violation will be sent to your insurance company or the Division of Motor Vehicles. Of course, if you were not the driver at the time of the offense, you may choose to complete the affidavit on Option B of the mail-in coupon on page 2 of this Notice and indicate who was driving.

1. Please do not send cash.
2. Make Check or Money Order payable to "Safelight Knightdale".
3. Payments by Personal Check, Money Order or Visa/MasterCard are accepted. Please mail in the enclosed envelope along with the payment coupon found on Option A of page 2.
4. Credit card payments can also be made online at: www.photonotice.com (Enter City code: KNC)
5. A \$25.00 administrative fee will be assessed for rejected or declined payments.

B. Identify another Driver. It is sufficient evidence of 03-06-02-001, that the person registered as the owner of the vehicle was operating at the time of the violation. However, liability of the owner may be removed if the Affidavit of Non-Responsibility (Option B of the mail-in coupon on page 2) is completed and returned in the enclosed envelope by **11/09/2012**.

1. Your responsibility can only be transferred if the driver you identified accepts the responsibility.
2. ~~This notice may be withdrawn before or after the penalty is paid.~~
3. No points will be assessed to your driving record and no record of this offense will be sent to your insurance company or to the Division of Motor Vehicles.

3. Your Right to View Video

You may view the violation images and video at Square Court, Knightdale, NC 27545.

Photo Viewing Hours: First and Third Thursday permitted.

You may also view the video online at www.photonotice.com days from the date of violation.

4. Right to a Hearing. You have the right to a hearing.

- If you choose to have the matter reviewed by prior to scheduling a hearing.
- To schedule a hearing you must contact **THE** At that time, the Police Representative will schedule.
- Hearings are held at Knightdale Police Department. Hearings will be held on the third Thursday of each month.
- IF YOU FAIL TO PAY YOUR FINE OR SUBMIT AN AFFIDAVIT, YOU FORFEIT YOUR RIGHT TO A HEARING.

A misstatement to secure payment. Fraud by definition. A felony in the State of North Carolina. NC Session Law 2003-380 Sec 3-d-1-c and Knightdale Code 74.03 allow the ticket recipient to mail an affidavit to the mayor saying, "I was not driving at the time and location of the citation." George Deaton was obviously not driving at 12:14 AM in the morning while the sun was shining, but the ticket does not allow Deaton the option of telling the truth. See the laws at the end of this document. Since August 12, 2012, Travis Price and Knightdale Mayor Russell Killen have known about the fraud. They are aware they are committing fraud and are aware of Cary's past identically-committed fraud and confrontation with Wake County Superior Court Judge Ridgeway.

For questions regarding payment, contact the customer service call center toll free at 1-877-847-2338 between 9:00am and 4:00pm (MST).

Para preguntas con respecto al pago, contacte el peaje del centro de la llamada del servicio de cliente liberto en 1-877-847-2238 entre 9:00am y 4:00pm (MST).

Location: KNC-64MK-02 E/B US64 and McKnight Dr, Knightdale (KNC-64MK-02 v4.9.30.0)
Date: Saturday 29 September 2012 Time: 00:14:54 Frame: 1 SpeedLimit: 45 MPH
Lane: 1 Vehicle Speed: 40 MPH RED : 0.90 Elapsed Time: 0.00



Location: KNC-64MK-02 E/B US64 and McKnight Dr, Knightdale (KNC-64MK-02 v4.9.30.0)
Date: Saturday 29 September 2012 Time: 00:14:55 Frame: 1 SpeedLimit: 45 MPH
Lane: 1 Vehicle Speed: 40 MPH RED : 1.97 Elapsed Time: 1.06





CODE
Title VII - MOTOR VEHICLES AND TRAFFIC
CHAPTER 74. - TRAFFIC-CONTROL PHOTOGRAPHIC SYSTEMS AT SIGNALIZED INTERSECTIONS

traffic-control photographic system has become the property of the Town, the Town may continue to contract with a contractor for the operation of the traffic-control photographic program.

(d) Any proceeds received by the Town from the operation of the traffic-control photographic system shall be paid to the Wake County School Fund, except for those proceeds which are used to pay for the following expenses:

- (1) Lease, lease-purchase, or purchase of the traffic-control photographic system;
- (2) Paying a contractor for the operating the traffic-control photographic system; and
- (3) Administrative costs incurred by the Town for the administration of the traffic-control photographic system.

(Ord. No. 03-06-02-001, § 1, 6-2-03)

Sec. 74.03. - Offense.

(a) It shall be unlawful for a vehicle to cross the stop line at a system location when the traffic signal for the vehicle's direction of travel is emitting a steady red light, or for a vehicle to violate any other traffic regulation specified in G.S. 20-158.

(b) the owner of a vehicle shall be responsible for a violation except when the owner can present, within twenty-one (21) calendar days after receiving the violation notification, to the Office of the Mayor, the Mayor's designee or the administrative hearing officer set forth in subsection 74.05(b) if established by the Office of the Mayor or the Mayor's designee, evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The evidence presented by the owner can take the form of:

- (1) The name and address of the person or company who leased, rented, or otherwise had the care, custody, and control of the vehicle;
- (2) An affidavit stating that the vehicle involved was, at the time of the violation, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle; or
- (3) A statement that the person who received the citation is not the owner or driver of the vehicle, or that the person who received the citation was not driving a vehicle at the time and location designated in the citation.

(Ord. No. 03-06-02-001, § 1, 6-2-03)

Sec. 74.04. - Penalty.

(a) Any violation of subsection 74.03(a) detected by a traffic-control photographic system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle, nor insurance points assigned to the owner or driver of the vehicle as authorized by G.S. 58-36-65.

(b) Failure to pay the civil penalty or file an appeal within twenty-one (21) calendar days after receipt of the violation notification shall result in an additional penalty of fifty dollars (\$50.00). The Town may establish procedures for the collection of the civil penalties and may enforce the penalties by a civil

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-286
SENATE BILL 243**

AN ACT TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS AND TO AUTHORIZE CERTAIN MUNICIPALITIES TO USE RED LIGHT CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (d) of G.S. 160A-300.1 reads as rewritten:

"(d) This ~~act~~ section applies only to the Cities of Albemarle, Charlotte, Durham, Fayetteville, Greensboro, High Point, Rocky Mount, Wilmington, Greenville, and Lumberton, ~~and to the Towns of Chapel Hill, Cornelius, Huntersville, Matthews, Nags Head, and Pineville-Pineville,~~ and to the municipalities in Union County only."

SECTION 2. G.S. 160A-300.1 is amended by adding a new subsection to read:

"(c1) The duration of the yellow light change interval at intersections where traffic control photographic systems are in use shall be no less than the yellow light change interval duration specified in the Design Manual developed by the Signals and Geometrics Section of the North Carolina Department of Transportation."

SECTION 3. Article 15 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-300.2. Use of traffic control photographic systems in Wake County.

(a) A traffic control photographic system is an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device to automatically produce photographs, video, or digital images of each vehicle violating a standard traffic control statute or ordinance.

(b) Any traffic control photographic system or any device which is a part of that system, as described in subsection (a) of this section, installed on a street or highway which is a part of the State highway system shall meet requirements established by the North Carolina Department of Transportation. Any traffic control system installed on a municipal street shall meet standards established by the municipality and shall be consistent with any standards set by the Department of Transportation.

(c) Any traffic control photographic system installed on a street or highway shall be identified by appropriate advance warning signs conspicuously posted not more than 300 feet from the location of the traffic control photographic system. All advance warning signs shall be consistent with a statewide standard adopted by the Department of Transportation in conjunction with local governments authorized to install traffic control photographic systems.

(d) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158 by means of a traffic control photographic system, as described in subsection (a) of this section. If a municipality adopts an ordinance pursuant to this section then, notwithstanding G.S. 20-176, a violation of G.S. 20-158 detected only by a traffic control photographic system shall not be an infraction. If a violation of G.S. 20-158 is detected by both a law enforcement officer and a traffic control photographic system, the officer may charge the offender with an infraction. If the officer charges the offender with an infraction, a civil penalty issued by the municipality for the same offense is void and unenforceable. An ordinance authorized by this subsection shall provide that:

(1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within 21 days after receiving notification of the violation, furnishes the office of the mayor of the municipality that issued the citation:

- a. The name and address of the person or company who leased, rented, or otherwise had the care, custody, and control of the vehicle;
- b. An affidavit stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle; or
- c. A statement that the person who received the citation is not the owner or driver of the

vehicle, or that the person who received the citation was not driving a vehicle at the time and location designated in the citation.

- (2) A violation detected by a traffic control photographic system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle nor insurance points as authorized by G.S. 58-36-65.
- (3) The owner of the vehicle shall be issued a citation that shall be attached to photographic evidence of the violation that identifies the vehicle involved. The citation shall clearly state the manner in which the violation may be challenged. The owner of the vehicle shall comply with the directions on the citation. The citation shall be processed by officials or agents of the municipality and shall be forwarded by personal service or first-class mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation and shall be subject to a civil penalty not to exceed one hundred dollars (\$100.00). The municipality may establish procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of debt.
- (4) The municipality shall establish a nonjudicial administrative hearing process to review objections to citations or penalties issued or assessed under this section. The municipality may establish an appeals panel composed of municipal employees to review objections. If the municipality does not establish an appeals panel composed of municipal employees, the mayor of the municipality shall review and make a final decision on all objections.

(e) The duration of the yellow light change interval at intersections where traffic control photographic systems are in use shall be no less than the yellow light change interval duration specified in the Design Manual developed by the Signals and Geometrics Section of the North Carolina Department of Transportation.

(f) A municipality enacting an ordinance implementing a traffic control photographic system may enter into a contract with a contractor for the lease, lease-purchase, or purchase of the system. The municipality may enter into only one contract for the lease, lease-purchase, or purchase of the system 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 municipality or the system shall be removed and returned to the contractor.

(g) The clear proceeds from the citations issued pursuant to the ordinance authorized by this section shall be paid to the county school fund. The clear proceeds from the citations shall mean the funds remaining after paying for the lease, lease-purchase, or purchase of the traffic control photographic system; paying a contractor for operating the system; and paying any administrative costs incurred by the municipality related to the use of the system.

(h) This section applies only to the municipalities in Wake County. For purposes of this section, a municipality is in Wake County if fifty-one percent (51%) or more of the land area of the municipality lies within Wake County."

SECTION 4. Article 15 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-300.3. Use of traffic control photographic systems in the City of Concord.

(a) A traffic control photographic system is an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device to automatically produce photographs, video, or digital images of each vehicle violating a standard traffic control statute or ordinance.

(b) Any traffic control photographic system or any device which is a part of that system, as described in subdivision (a) of this section, installed on a street or highway which is a part of the State highway system shall meet requirements established by the North Carolina Department of Transportation. Any traffic control system installed on a municipal street shall meet standards established by the municipality and shall be consistent with any standards set by the Department of Transportation.

(c) Any traffic control photographic system installed on a street or highway must be identified by appropriate advance warning signs conspicuously posted not more than 300 feet from the location of the traffic control photographic system. All advance warning signs shall be consistent with a statewide standard adopted by the Department of Transportation in conjunction with local governments authorized to install traffic control photographic systems.

(d) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158 by means of a traffic control photographic system, as described in subsection (a) of this section. Notwithstanding the provisions of G.S. 20-176, in the event that a municipality adopts an ordinance pursuant to this section, a violation of G.S. 20-158 at a location at which a traffic control photographic system is in operation shall not be an infraction. An ordinance authorized by this subsection shall provide that:

- (1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish

evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within 21 days after notification of the violation, furnishes the officials or agents of the municipality which issued the citation:

- a. The name and address of the person or company who leased, rented, or otherwise had the care, custody, and control of the vehicle; or
- b. An affidavit stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle.

(2) A violation detected by a traffic control photographic system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed, and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle nor insurance points as authorized by G.S. 58-36-65.

(3) The owner of the vehicle shall be issued a citation which shall clearly state the manner in which the violation may be challenged, and the owner shall comply with the directions on the citation. The citation shall be processed by officials or agents of the municipality and shall be forwarded by personal service or first-class mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation, and shall be subject to a civil penalty not to exceed one hundred dollars (\$100.00). The municipality may establish procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of debt.

(4) The municipality shall institute a nonjudicial administrative hearing to review objections to citations or penalties issued or assessed under this section.

(e) The duration of the yellow light change interval at intersections where traffic control photographic systems are in use shall be no less than the yellow light change interval duration specified in the Design Manual developed by the Signals and Geometrics Section of the North Carolina Department of Transportation.

(f) The clear proceeds from the citations issued pursuant to the ordinance authorized by this section shall be paid to the county school fund. The clear proceeds from the citations shall mean the funds remaining after paying for the lease, lease-purchase, or purchase of the traffic control photographic system; paying a contractor for operating the system; and paying any administrative costs incurred by the municipality related to the use of the system.

(g) This section applies only to the City of Concord."

SECTION 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 4th day of July, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 9:59 a.m. this 13th day of July, 2001

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

SESSION LAW 2003-380
HOUSE BILL 786

AN ACT TO AMEND LIABILITY RULES THAT APPLY TO CIVIL PARKING, RED LIGHT CAMERA,
AND PHOTOGRAPHIC SPEED-MEASURING SYSTEM ENFORCEMENT ACTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-301 is amended by adding a new subsection to read:

"(e) The registered owner of a vehicle that has been leased or rented to another person or company shall not be liable for a violation of an ordinance adopted pursuant to this section if, after receiving notification of the civil violation within 90 days of the date of occurrence, the owner, within 30 days thereafter, files with the officials or agents of the municipality an affidavit including the name and address of the person or company that leased or rented the vehicle. If notification is given to the owner of the vehicle after 90 days have elapsed from the date of the violation, the owner is not required to provide the name and address of the lessee or renter, and the owner shall not be held responsible for the violation."

SECTION 2. G.S. 160A-300.1(c) reads as rewritten:

"(c) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158 by means of a traffic control photographic system, as described in subsection (a) of this section. Notwithstanding the provisions of G.S. 20-176, in the event that a municipality adopts an ordinance pursuant to this section, a violation of G.S. 20-158 at a location at which a traffic control photographic system is in operation shall not be an infraction. An ordinance authorized by this subsection shall provide that:

(1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within ~~2+~~30 days after notification of the violation, furnishes the officials or agents of the municipality which issued the ~~citation~~citation either of the following:

a. An affidavit stating the name and address of the person or company who leased, rented, or otherwise had the care, custody, and control of the vehicle; or

b. An affidavit stating that the vehicle involved was, at the time, stolen~~stolen. The affidavit must be supported with evidence that supports the affidavit, including insurance or police report information, or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle.~~

~~(2)~~ Subdivision (1) of this subsection shall not apply, and the registered owner of the vehicle shall not be responsible for the violation, if notice of the violation is given to the registered owner of the vehicle more than 90 days after the date of the violation.

~~(2)~~(3) A violation detected by a traffic control photographic system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed, and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle nor insurance points as authorized by G.S. 58-36-65.

~~(3)~~(4) The owner of the vehicle shall be issued a citation which shall clearly state the manner in which the violation may be challenged, and the owner shall comply with the directions on the citation. The citation shall be processed by officials or agents of the municipality and shall be forwarded by personal service or first-class mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation, and shall be subject to a civil penalty not to exceed one hundred dollars (\$100.00). The municipality may establish procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of debt.

~~(4)~~(5) The municipality shall institute a nonjudicial administrative hearing to review objections to citations or penalties issued or assessed under this section."

SECTION 3. G.S. 160A-300.2(d), as enacted by Section 3 of S.L. 2001-286, reads as rewritten:

"(d) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158 by means of a traffic control photographic system, as described in subsection (a) of this section. If a municipality adopts an ordinance pursuant to this section then, notwithstanding G.S. 20-176, a violation of G.S. 20-158 detected only by a traffic control photographic system shall not be an infraction. If a violation of G.S. 20-158 is detected by both a law enforcement officer and a traffic control photographic system, the officer may charge the offender with an infraction. If the officer charges the offender with an infraction, a civil penalty issued by the municipality for the same offense is void and unenforceable. An ordinance authorized by this subsection shall provide that:

(1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within ~~21~~30 days after receiving notification of the violation, furnishes the office of the mayor of the municipality that issued the ~~citation~~citation any of the following:

a. ~~An affidavit stating The the name and address of the person or company who leased, rented, or otherwise had the care, custody, and control of the vehicle; vehicle.~~

b. ~~An affidavit stating that the vehicle involved was, at the time, stolen-stolen. The affidavit must be supported with evidence that supports the affidavit, including insurance or police report information, or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle; or~~

c. ~~A statement An affidavit stating that the person who received the citation is not the owner or driver of the vehicle, or that the person who received the citation was not driving a vehicle at the time and location designated in the citation.~~

(2) ~~Subdivision (1) of this subsection shall not apply, and the registered owner of the vehicle shall not be responsible for the violation, if notice of the violation is given to the registered owner of the vehicle more than 90 days after the date of the violation.~~

~~(2)~~(3) A violation detected by a traffic control photographic system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle nor insurance points as authorized by G.S. 58-36-65.

~~(3)~~(4) The owner of the vehicle shall be issued a citation that shall be attached to photographic evidence of the violation that identifies the vehicle involved. The citation shall clearly state the manner in which the violation may be challenged. The owner of the vehicle shall comply with the directions on the citation. The citation shall be processed by officials or agents of the municipality and shall be forwarded by personal service or first-class mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation and shall be subject to a civil penalty not to exceed one hundred dollars (\$100.00). The municipality may establish procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of debt.

~~(4)~~(5) The municipality shall establish a nonjudicial administrative hearing process to review objections to citations or penalties issued or assessed under this section. The municipality may establish an appeals panel composed of municipal employees to review objections. If the municipality does not establish an appeals panel composed of municipal employees, the mayor of the municipality shall review and make a final decision on all objections."

SECTION 4. G.S. 160A-300.3(d), as enacted by Section 4 of S.L. 2001-286, reads as rewritten:

"(d) Municipalities may adopt ordinances for the civil enforcement of G.S. 20-158 by means of a traffic control photographic system, as described in subsection (a) of this section. Notwithstanding the provisions of G.S. 20-176, in the event that a municipality adopts an ordinance pursuant to this section, a violation of G.S. 20-158 at a location at which a traffic control photographic system is in operation shall not be an infraction. An ordinance authorized by this subsection shall provide that:

(1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within ~~21~~30 days after notification of the violation, furnishes the officials or agents of the municipality which issued the ~~citation~~citation either of the following:

a. ~~An affidavit stating The the name and address of the person or company who leased, rented, or otherwise had the care, custody, and control of the vehicle; or vehicle.~~

b. ~~An affidavit stating that the vehicle involved was, at the time, stolen-stolen. The affidavit must be supported with evidence that supports the affidavit, including insurance or police report information, or in the care, custody, or control of some~~

person who did not have permission of the owner to use the vehicle.

- (2) Subdivision (1) of this subsection shall not apply, and the registered owner of the vehicle shall not be responsible for the violation, if notice of the violation is given to the registered owner of the vehicle more than 90 days after the date of the violation.
- (2)(3) A violation detected by a traffic control photographic system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed, and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle nor insurance points as authorized by G.S. 58-36-65.
- (3)(4) The owner of the vehicle shall be issued a citation which shall clearly state the manner in which the violation may be challenged, and the owner shall comply with the directions on the citation. The citation shall be processed by officials or agents of the municipality and shall be forwarded by personal service or first-class mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation, and shall be subject to a civil penalty not to exceed one hundred dollars (\$100.00). The municipality may establish procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of debt.
- (4)(5) The municipality shall institute a nonjudicial administrative hearing to review objections to citations or penalties issued or assessed under this section."

SECTION 5. G.S. 160A-300.4(e), as enacted by S.L. 2003-280, reads as rewritten:

"(e) A municipality may adopt ordinances for the civil enforcement of G.S. 20-141 and G.S. 20-141.1 by means of a photographic speed-measuring system. Notwithstanding the provisions of G.S. 20-141, 20-141.1, and 20-176, in the event that a municipality adopts an ordinance pursuant to this section, a violation of G.S. 20-141 or G.S. 20-141.1 detected by a photographic speed-measuring system shall not be an infraction or misdemeanor. An ordinance authorized by this subsection shall provide that:

- (1) The owner of a vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle furnishes, within ~~21~~30 days of notification of the violation, to the officials or agents of the municipality that issued the citation either of the following:
- ~~The An affidavit stating the name and address of the person or company who leased, rented, or otherwise had the care, custody, or control of the vehicle.~~
 - An affidavit stating that the vehicle involved was, at the time of the violation, ~~stolen~~ stolen. The affidavit must be supported with evidence that supports the affidavit, including insurance or police report information, or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle.
- (2) Subdivision (1) of this subsection shall not apply, and the registered owner of the vehicle shall not be responsible for the violation, if notice of the violation is given to the registered owner of the vehicle more than 90 days after the date of the violation.
- (2)(3) A violation detected by a photographic speed-measuring system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars (\$50.00) shall be assessed and for which no points authorized by G.S. 20-16(c) or G.S. 58-36-65 shall be assigned to the owner or driver of the vehicle.
- (3)(4) The owner of the vehicle shall be issued a citation, written in both English and Spanish, clearly stating the manner in which the violation may be challenged and containing both a street address within the municipality and a local or toll-free telephone number at which the owner may challenge the citation. The citation shall be processed by officials or agents of the municipality and shall be forwarded by personal service or certified mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation and shall be subject to an additional penalty not to exceed fifty dollars (\$50.00). The municipality may establish procedures for the collection of these penalties and may recover the penalties by civil action in the nature of debt.
- (4)(5) The municipality shall provide a nonjudicial administrative hearing process to review objections to citations or penalties issued or assessed under this section. The administrative hearing process shall include methods for challenging the violation or penalty either in person, at the street address provided on the citation, or through the telephone, at the telephone number provided on the citation. The municipality shall ensure that a Spanish-speaking person is available both at the street address and through the telephone number to assist Spanish-speaking persons. An administrative hearing decision shall be subject to review by the superior

court by proceedings in the nature of certiorari. Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the administrative hearing decision.

~~(5)~~(6) The clear proceeds from the citations issued pursuant to the ordinance authorized by this section shall be paid to the county school fund. The clear proceeds from the citations shall mean the funds remaining after paying for the lease, lease-purchase, or purchase of the photographic speed-measuring system; paying for operation of the system, either by the municipality or by a contractor; paying for a program to provide public awareness of the system; and paying any administrative costs incurred by the municipality related to the use of the system."

SECTION 6. This act is effective when it becomes law. Section 5 of this act expires June 30, 2006. In the General Assembly read three times and ratified this the 19th day of July, 2003.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:20 a.m. this 1st day of August, 2003