

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 242

Short Title: License Plate Reader Systems in State ROWs. (Public)

Sponsors: Representatives Faircloth, McNeill, Ross, and Davis (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, Energy and Public Utilities

March 6, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE INSTALLATION AND USE OF AUTOMATIC LICENSE
3 PLATE READER SYSTEMS IN STATE RIGHTS-OF-WAY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 136-18 is amended by adding a new subdivision to read:

6 "(46) For purposes of this subdivision, the term (i) "public utility" means any of the
7 following: a public utility, as defined in G.S. 62-3(23); an electric membership
8 corporation; telephone membership corporation; a joint municipal power
9 agency; or a city or county engaged in producing, generating, transmitting,
10 delivering, or furnishing electricity for private or public use and (ii) "automatic
11 license plate reader system" is as defined in G.S. 20-183.30. The Department
12 shall have the following powers related to automatic license plate reader
13 systems:

14 a. To enter into agreements with municipalities, counties, and other
15 governmental entities for the use of and encroachment upon the
16 right-of-way of any road designated as part of the State highway system
17 for the installation and use of automatic license plate reader systems;
18 provided that (i) the agreements do not unreasonably interfere with the
19 use of the right-of-way by a public utility with facilities already located
20 within the right-of-way, (ii) the use shall immediately be terminated and
21 the automatic license plate reader system and any related equipment
22 removed upon request by any affected public utility, and (iii) the entity
23 installing the automatic license plate reader system complies with the
24 provisions of Article 8A of Chapter 87 of the General Statutes.

25 b. To approve requests by municipalities, counties, and other
26 governmental entities to use land or right-of-way owned by the
27 Department of Transportation that is encumbered by utility easements,
28 or otherwise being lawfully occupied by a public utility, for the
29 installation and use of automatic license plate reader systems; provided
30 that (i) the use of the land or right-of-way is temporary in nature; (ii) the
31 automatic license plate reader system shall be completely aboveground,
32 easily moveable, and contain no combustible fuel; (iii) the use shall not
33 unreasonably interfere with the operation and maintenance of the utility
34 facilities or cause the utility facilities to fail to comply with all
35 applicable laws, codes, and regulatory requirements; (iv) the use shall



1 immediately be terminated and the automatic license plate reader system
2 and any related equipment removed upon request by any affected public
3 utility; and (v) the use shall comply with provisions of Article 8A of
4 Chapter 87 of the General Statutes. The affected public utility shall have
5 the right to move the automatic license plate reader system in the event
6 that the public utility needs immediate access to its utility facilities and,
7 in such event, shall only be liable for damages to the automatic license
8 plate reader system caused solely by its gross negligence or willful
9 misconduct.

10 c. Nothing in this subdivision shall relieve any entity, public or private, of
11 its obligation to comply with the provisions of Article 8A of Chapter 87
12 of the General Statutes."

13 **SECTION 2.** This act is effective when it becomes law.