



This Bill Analysis reflects the contents of the bill as it was presented in committee.

# HOUSE BILL 303: Greensboro SBE/Civilian Traffic Investigators.

2021-2022 General Assembly

<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	April 15, 2021
<b>Introduced by:</b>	Reps. Clemmons, Faircloth, Hardister, Quick	<b>Prepared by:</b>	Jonathan Zator
<b>Analysis of:</b>	PCS to Second Edition H303-CSBV-10		Staff Attorney

**OVERVIEW:** *The Proposed Committee Substitute for House Bill 303 would (1) amend the Charter of the City of Greensboro (Charter) to authorize the City of Greensboro (City) to establish a small business enterprise program and (2) authorize the City to use civilian personnel to investigate traffic accidents only involving property damage.*

**CURRENT LAW:** Various state laws encourage, promote, and support the use of small, minority-owned, physically-handicapped-owned, and women-owned businesses in government contracts and projects.

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 report of an accident must contain insurance information for the vehicle driven by the person whom the officer identifies as at fault for the accident. If the officer writing the report is a member of the State Highway Patrol, the officer must forward the report to the Division of Motor Vehicles (DMV). If the officer is not a member of the State Highway Patrol, the officer must forward the report 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. The statute also specifies that reports made by persons who are not law enforcement officers or medical examiners are not public records. Reports made by law enforcement officers and medical examiners are public records and are open to inspection by the general public at all reasonable times.

**BILL ANALYSIS:** Section 1 of the PCS for House Bill 303 would amend the Charter to authorize the City to establish a race- and gender-neutral small business enterprise program to promote the development of small businesses in the Greensboro Metropolitan Statistical Area and enhance opportunities for small businesses to participate in City contracts. The City would be authorized to do the following:

- Define "small business enterprise" as appropriate and consistent with the City's contracting policies.
- Establish subcontracting goals and good-faith effort requirements as part of the program.

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- Consider efforts to comply with program requirements in its award of City contracts.
- Refuse to award a contract if the bidder failed to comply with the program's requirements.

The program would supplement specified public contract requirements, and it would not supersede goals or efforts established under State law to achieve veteran, minority, and women's business participation.

**Section 2** of the PCS for House Bill 303 would authorize the City to employ civilian personnel to investigate traffic crashes, and to establish minimum standards for employment as a civilian traffic investigator.

- Each civilian traffic investigator would need to attend a training program designed by the Greensboro Police Department (in consultation with the North Carolina Justice Academy) and spend four weeks of field training with a law enforcement officer with experience conducting traffic crash investigations.
- Civilian traffic investigators would be issued credentials, uniforms, and may be issued vehicles with red or amber lights (blue lights not allowed). The uniform must be substantially different in color from that of a law enforcement officer, clearly display the individual's name, and bear patches that clearly identify the individual as a civilian traffic investigator.
- Civilian traffic investigators would investigate crashes involving only property damage (any crash involving personal injury or fatalities would still be investigated by a law enforcement officer).
- Civilian traffic investigators would comply with all provisions of G.S. 20-166.1 governing accident reports and investigations. Reports by civilian traffic investigators would be treated the same as if completed by law enforcement for purposes of evidence and trial.
- Civilian traffic investigators would have no arresting authority or be issued any type of weapon.
- Civilian traffic investigators would have the same authority as a law enforcement officer to tow or remove a vehicle that is obstructing a public street or highway.
- The City would need to provide a written report on the training and use of civilian traffic investigators 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, 2022. The report would cover the time period between the act's effective date and November 1, 2022.

**EFFECTIVE DATE:** This act is effective when it becomes law and only applies to the City of Greensboro.

**BACKGROUND:** Three other cities have similar small business enterprise programs: Charlotte (S.L. 2002-91, as amended by S.L. 2008-101), Durham (S.L. 2011-168), and Fayetteville (S.L. 2017-81).

The City of Fayetteville (S.L. 2006-100) and the City of Wilmington (S.L. 2007-217) have been granted authority to employ civilian traffic investigators. The concept is similar to a Florida law that authorizes municipalities to employ traffic crash investigation officers who successfully complete instruction in traffic crash investigation and court presentation through the Selective Traffic Enforcement Program as approved by the state's Criminal Justice Standards and Training Commission, but who are not otherwise required to meet the minimum standard for law enforcement officers. In Florida, a traffic crash investigation officer who makes an investigation at the scene of a traffic crash is authorized to issue traffic citations; but they are not authorized to carry firearms, and do not have arrest authority.