



Rep. Richard Brown
Sponsor Testimony Substitute House Bill 83

Chair Lang, Vice Chair Plummer and Ranking Member Leland, thank you for giving us the opportunity to present sponsor testimony for sub House Bill 83 in committee today. I also want to thank Senator Schaffer, Chair Lang and Representatives Gary Scherer and Niraj Antani for their work on crafting sub House Bill 83 to combine all of our ideas on school bus safety into a single piece of legislation.

Since I originally submitted House Bill 646 in the last general assembly, the need to address school bus safety has become even more relevant as a result of several tragic incidents throughout our nation. In an Indiana incident, three siblings were rundown and killed by a motorist passing a stopped school bus.¹ Innocent children are being killed in our streets by vehicles illegally passing stopped school buses while they are simply trying to get to or from school.

Unfortunately, a driver choosing to pass a stopped school bus is not an uncommon occurrence, either in Ohio or across the nation. According to an ABC News study of the issue in the Dallas Metro Area, 92,000 tickets have been issued for passing a stopped school bus in the past three years.² Further, the Ohio State Highway Patrol *alone* has ticketed 2,747 people for this violation since 2013.

¹ <https://www.cnn.com/2018/11/01/us/tampa-school-bus-stop-vehicle-hits-students/index.html>

² <https://abcnews.go.com/WNT/video/danger-school-bus-stop-30689340>

Presently, Ohio has no increasing penalty for drivers who are cited and convicted for this violation multiple times. States as diverse as Florida, Maine, Nevada and Texas all have laws to enhance penalties on drivers who are convicted of putting our children at risk on multiple occasions.

Sub House Bill 83 would put Ohio on par with other states and increase penalties for repeat offenders. Ohio law currently levies a maximum \$500 fine and a class 7 suspension for passing a stopped school bus, and has no increased penalty for a second or additional offenses. Our bill would put Ohio on an equal footing with other Midwestern states by imposing a fine of up to \$1000 and/or a class 6 suspension of the violator's license for any first offense, and, a fine of up to \$2,000 and/or a class 5 suspension for any additional offense.

While the merits of deterrence based on a stricter penalty can be debated, my co-sponsor and I believe that this crime is so reckless and dangerous to school children that the increased penalty is merited. Further, it is vital that we have an escalating penalty so that drivers with multiple violations can be punished appropriately and, if the need arises, kept off of the streets as a result of their multiple infractions.

Sub House Bill 83 will also provide for governing and legalizing the use of cameras mounted on the outside of school buses or on the outside retractable bus stop sign to identify drivers who illegally pass the buses. While it is currently a Department of Public Safety practice to allow for the installation of these cameras, House Bill 83 will explicitly allow for them to be installed and used as corroborating evidence in a court proceeding in order to increase the chances of identifying violating drivers so as to enforce the law for these violations. It is necessary to codify this in-court camera usage into statutory law and not merely rely on department rules, as we learned from what happened in Texas in the very recent past.

Texas similarly relied on departmental rules and not codified law to govern its system of bus cameras throughout the state and the result was years of court proceedings over the legality of these cameras and images from them, and specifically over the issue of the admissibility of the video images in court, resulting in patchwork of competing laws and regulations throughout the state, and the overturning of hundreds of cases which had been successfully prosecuted, but which convictions were later thrown out due to technical legal issues. Sub House Bill 83 will standardize and codify the usage of these cameras and the video images from them to avoid such technical legal defenses in Ohio that could threaten the obtaining of convictions against these offending drivers.

Furthermore, while the Ohio Revised Code currently puts the burden to report the license plate number of the offending vehicle, a general description of the vehicle, and a general description of the vehicle operator on the school bus driver, this legislation would clarify that the still images or video images from the camera recording the violation may be used to corroborate any information provided by the school bus operator about the violation to assist in identifying the violator so as to allow a conviction to be obtained.

Lastly, sub House Bill 83 will include Representative Antani's preemptive plan to ensure that all licensing deputy registrars in Ohio display graphics at licensing bureaus to ensure that drivers have been fully educated on the proper procedures to follow when encountering a stopped school bus.

More than 25 million children ride a school bus every weekday in the U.S. School buses are the safest option to get to school, as students are 70 times more likely to get to school safely with this mode of transportation. Notwithstanding the relative safety of school bus

transportation of students, nearly 60 school bus passengers died in crashes, and over 100 pedestrians under the age of 18 were killed in crashes related to school transportation between 2007 and 2016 in the U.S. In 2018 alone, over 108,000 school bus drivers observed almost 84,000 vehicles illegally passing school buses in a single day. Often, the drivers of these offending vehicles cannot be identified. The instant proposed legislation will serve to increase the odds of identifying offending drivers to allow prosecution, and, to enhance penalties against repeat offenders so as to act as a chilling effect upon violations. We must pass this legislation to protect our state's school children.

Once again, thank you Chair Lang, Vice Chair Plummer and Ranking Member Leland for giving me the opportunity to provide testimony on sub House Bill 83.