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Bill Analysis

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SUMMARY

School bus cameras

- Expressly authorizes cameras, including school bus violation detection monitoring systems, to be installed on school buses to provide an image, images, or video of a person illegally passing a school bus.
- Requires the Department of Public Safety, with the advice of the Department of Education and Workforce, to adopt rules related to the construction, design, and equipment of the cameras.
- Authorizes the entities responsible for the operation of a school bus to purchase, install, operate, and maintain the cameras on its school buses either itself or through a private vendor.
- Requires those entities that use school bus violation detection monitoring systems to enter into agreements with local law enforcement agencies to ensure that the agency reviews the recorded images, the agency is reimbursed for its review expenses, and there is appropriate enforcement support.

Civil enforcement

- Creates a civil enforcement scheme to be used when a school bus violation detection monitoring system captures the license plate of a vehicle illegally passing a stopped school bus, but the driver of the vehicle cannot be identified.
- Authorizes a law enforcement officer to do one of the following after receiving a report that someone has illegally passed a stopped school bus:
 - Issue a criminal citation if the driver of the vehicle can be identified;
 - Issue a civil notice of violation to the vehicle owner, if the driver cannot be identified; or

- Issue a warning to the vehicle owner if the driver cannot be identified, but the requirements to issue a civil notice of violation are not met.
- Specifies that a law enforcement agency may issue a criminal citation or a civil notice of violation, but not both, for a single instance of illegally passing a stopped school bus.
- Establishes the parameters for the civil enforcement scheme, including:
 - Requirements for what an image captured by a school bus violation detection monitoring system must display in order for a law enforcement agency to issue a civil penalty (e.g., the vehicle’s license plate and the time and date of the violation);
 - Requirements for what information a civil notice of violation must include (e.g., the name and address of the registered owner and a copy of the recorded image);
 - Procedures for a law enforcement agency to follow when mailing a civil notice of violation (e.g., the agency has 30 days to mail the notice);
 - Procedures that a registered owner must follow to respond, including paying, contesting, and providing an affidavit attesting that the registered owner was not the person who committed the violation; and
 - Procedures a court must follow when conducting a hearing for a contested civil notice of violation.
- Specifies that the fine for the civil violation is up to \$300, to be distributed to the entity responsible for the operation of the school bus that captured the violation for school bus safety technology initiatives.
- Authorizes a court to order a suspension of an offender’s motor vehicle registration and transfer of registration privileges if the offender does not pay the civil penalty and any court costs and fees.

School bus safety designations

- Designates October as “School Bus Safety Awareness Month.”
- Names the bill the “School Bus Safety Act.”

DETAILED ANALYSIS

Illegally passing a stopped school bus

School bus cameras

Current law neither specifically authorizes nor prohibits the use of a camera placed on a school bus to capture an image or video of a driver passing the bus while it is stopped and loading or unloading passengers. However, there is a provision stating that certain traffic

camera laws do not apply to traffic cameras placed on buses for this purpose. Thus, it appears that school bus drivers may use these cameras.¹

The bill expressly authorizes the use of school bus cameras, including cameras called school bus violation detection monitoring systems (discussed below under “**Civil enforcement**”). It requires the Department of Public Safety, with the advice of the Department of Education and Workforce, to adopt rules relating to the construction, design, and equipment of cameras that can provide an image, images, or video for purposes of capturing a driver who illegally passes a stopped school bus.

Under the bill, an entity responsible for operation of a school bus may purchase, install, operate, and maintain the school bus cameras on its school buses either itself or through a private vendor. If the cameras used are school bus violation detection monitoring systems, the entity must enter into a memorandum of understanding with the appropriate local law enforcement agency to ensure that the agency reviews the recorded images, the agency is reimbursed for its review expenses, and there is appropriate enforcement support for issuing civil notices of violation.²

Criminal and civil enforcement

Background

Under current law, a driver must stop for a school bus when both of the following apply:

1. The driver meets or overtakes the school bus, from either direction; and
2. The school bus is stopped to pick up or drop off a school child, a child attending a Head Start Program, or a person attending programs offered by a community board of mental health or a county board of developmental disabilities.³

The driver must stop at least ten feet from the bus, and may not proceed until either the bus moves or the school bus driver signals the driver to proceed. (The bill expressly adds that a law enforcement officer also may signal the driver to proceed.) A driver who violates this requirement may be fined up to \$500, and the court may impose a Class 7 driver’s license suspension (not to exceed one year) on that driver. The violation also results in a mandatory in-person court appearance.⁴

Under current law, a school bus driver or any other witness to a driver illegally passing a stopped school bus may report the license plate number, description of the vehicle, and description of the driver to a law enforcement agency. A law enforcement agency that receives

¹ R.C. 4511.0913, not in the bill.

² R.C. 4511.752(B) and 4511.76.

³ R.C. 4511.75. If the highway is four or more lanes of divided traffic, however, drivers travelling in the opposite direction of the school bus are not required to stop for the stopped bus.

⁴ R.C. 4511.75(A) and (F) and 4510.02(A)(7), not in the bill.

this report must investigate the allegation to attempt to determine the driver at the time of the alleged violation. If the agency can determine the driver, the agency has probable cause (based on the license plate number) to issue a criminal citation to the driver. If the agency cannot determine the driver, the agency must send a warning to the owner of the vehicle.⁵

Use of cameras

The bill retains the criminal enforcement scheme specified above, but creates a civil enforcement scheme to be used when a particular camera called a “school bus violation detection monitoring system” captures the license plate of a vehicle illegally passing a stopped school bus, but the driver of the vehicle cannot be identified. A school bus violation detection monitoring system is a camera system affixed to a school bus that consists of two or more camera sensors or computers that can produce recorded images.⁶

Additionally the bill authorizes *any* school bus camera and its images or video to be used to corroborate a report that a driver has illegally passed a stopped school bus in an attempt to identify that driver in order to issue a criminal citation.⁷

Law enforcement action

Under the bill, when an unidentified driver illegally passes a school bus, the school bus driver, a witness to the violation, the entity responsible for operation of the school bus, or a contracted private vendor may supply or corroborate a report to the local law enforcement agency regarding the violation.⁸ The person supplying the report may include an image, images, or video from a school bus camera (including a school bus violation detection monitoring system) installed on the school bus to corroborate the report that a person illegally passed the school bus.⁹

When a law enforcement agency receives the report, the agency may (rather than must, as under current law) conduct an investigation to attempt to determine the license plate number, the color/make/model of the vehicle, the date/time/location of the alleged violation, and the identity of the driver at the time of the alleged violation. The bill authorizes the agency

⁵ R.C. 4511.751, changed to 4511.752 in the bill.

⁶ R.C. 4511.751(J).

⁷ R.C. 4511.752(B).

⁸ A “law enforcement agency” under the bill is a sheriff, deputy sheriff, marshal, deputy marshal, school resource officer, police officer of a police department of any municipal corporation, police constable of any township, or police officer of a township or joint police district who is employed on a permanent, full-time basis by a law enforcement agency. R.C. 4511.751(C).

⁹ See Footnote 10.

to use any sufficiently clear images and video provided by a school bus violation detection system to verify that information.¹⁰

After the investigation, the law enforcement agency may take one of three courses of action:

1. Issue a criminal citation if the driver of the vehicle can be identified (as under current law);
2. Issue a notice of violation for a civil penalty of up to \$300 to the registered vehicle owner, if the violation is corroborated by a school bus violation detection monitoring system and the driver cannot be identified (under the bill's new civil penalty scheme); or
3. Issue a warning to the registered vehicle owner, if neither of the above apply (similar to current law).¹¹

A law enforcement agency may send a criminal citation or a civil notice of violation, but not both, for a single instance of illegally passing a stopped school bus.¹² Additionally, the Ohio State Highway Patrol may only issue criminal citations or warnings and may not use the civil penalty scheme established by the bill.¹³

Civil notice of violation

In order to issue a civil notice of violation (as opposed to a warning) for passing a stopped school bus, a school bus violation detection monitoring system must capture all of the following:

1. The violation (illegally passing the stopped school bus);
2. The date and time of the violation;
3. The electronic red light visual signals or stop warning sign to demonstrate that the signals and sign were actuated; and
4. The letters, numbers, and state name on the license plate of the vehicle involved.¹⁴

Within 30 days of the violation, the law enforcement agency may send a civil notice of violation charging the registered owner with the violation. The agency must send the notice by

¹⁰ R.C. 4511.752(B) and (C). The bill authorizes law enforcement to utilize a school bus violation detection system to verify the license plate number, the color/make/model of the vehicle, the date/time/location of the alleged violation, and the identity of the driver at the time of the alleged violation. However, R.C. 4511.752(B) specifies that a violation for passing a stopped school bus may be verified by any school bus camera. Thus, these two provisions are not consistent with each other.

¹¹ R.C. 4511.752(D) and (E).

¹² R.C. 4511.752(F).

¹³ R.C. 4511.752(H).

¹⁴ R.C. 4511.753(A).

regular mail in a clearly marked envelope with information concerning the citing law enforcement agency on the envelope.

The agency then must file, without unnecessary delay, a certified copy of the notice of violation with the local municipal or county court with jurisdiction over the civil action. The certified copy, including any images or video captured by the school bus violation detection monitoring system, is prima facie evidence of the facts contained therein, and is admissible in a civil action or proceeding related to the issued notice of violation.¹⁵

Any notice of violation for illegally passing a school bus must contain the following information:

1. The name and address of the registered owner;
2. The letters and numbers from the license plate;
3. A statement that the person is charged with illegally passing a stopped school bus;
4. A statement that a school bus violation detection monitoring system recorded the violation;
5. The date and time of the violation;
6. A copy of the recorded images;
7. The amount of the civil penalty imposed (up to \$300), the date when it is to be paid, and the address of the municipal court or county court with jurisdiction where the payment is to be sent;
8. A signed statement by a local law enforcement officer indicating that, based on an inspection of the recorded images, the vehicle was involved in the violation (this statement may be signed electronically);
9. Information on how to proceed after receiving the notice of violation; and
10. A warning that failure to exercise one of the available options is an admission of liability and waives the opportunity to contest the violation.¹⁶

Recipient action

After receiving a notice of violation, the registered owner may take any of the following actions within 30 days:

1. Pay the civil penalty;
2. In conjunction with the person who was driving the vehicle at the time of the violation, send an affidavit to the municipal court or county court with jurisdiction identifying the driver of the vehicle (with contact details);

¹⁵ R.C. 4511.753.

¹⁶ R.C. 4511.754.

3. Send an affidavit to the municipal court or county court with jurisdiction that the vehicle was stolen at the time of the violation (with the police report);
4. If the owner is a motor vehicle dealer or motor vehicle renting dealer, notify the municipal court or county court with jurisdiction of the name and address of the lessee or renter at the time of the violation (on a form created by or used by the court);¹⁷
5. If the owner is a commercial motor vehicle and the notice of violation is issued to the corporate entity, send an affidavit to the municipal court or county court with jurisdiction of the name and address of the employee driver at the time of the violation; or
6. Contest the notice of violation and request a court hearing to review it.¹⁸

If an affidavit indicates that another person was driving the vehicle at the time of the violation, the court may notify the law enforcement agency, and if notified, the agency must send a notice of violation to the correct driver. Failure of any party named on a notice of violation to request a hearing within 30 days of the issuance of the notice constitutes a waiver of the right to contest the notice and an admission of liability.¹⁹

Standard for hearing decision

At a hearing concerning a notice of violation issued under the bill, the court must issue a written decision imposing liability for the violation if the court finds both of the following by a preponderance of the evidence:

1. The alleged school bus violation occurred; and
2. The person named in the original or any subsequent notice of violation is the person who was operating the vehicle at the time of the violation.

The court must issue a written decision that a person named in the notice of violation is not liable for the violation if the court finds either of the following by a preponderance of the evidence:

1. The alleged violation did not occur; or
2. The person named in the notice of violation was not operating the vehicle at the time of the violation.

¹⁷ A dealer is prohibited from simply paying the ticket and then passing along the costs to the lessee or renter.

¹⁸ R.C. 4511.755.

¹⁹ R.C. 4511.755 and 4511.756.

Failure to appear at a hearing, at the court's discretion, may constitute an admission of liability or the court may grant a continuance of the hearing. In all cases, the court must charge applicable court costs and fees to the party that does not prevail at the hearing.²⁰

Civil penalty failure to pay and distribution

As indicated above, the penalty for illegally passing a stopped school bus is a civil penalty of up to \$300. If a person liable for a school bus violation fails to pay the civil penalty and any applicable court costs and fees, the court may notify the Registrar of Motor Vehicles. Upon receiving a notification from the court about the failure to pay, the Registrar and any deputy registrar cannot accept an application for motor vehicle registration or transfer of registration from the person named in the notice. The suspension of registration continues until the Registrar receives notice from the court that the person has paid the penalty, costs, and fees or the court has dismissed the accrued amounts.²¹

The collected civil penalties must be paid to the entity that is responsible for the operation of the school bus that captured the violation. That entity must use the proceeds for school bus safety technology initiatives. As part of those initiatives, the entity may use the proceeds to defray the costs of purchasing, installing, operating, and maintaining the school bus violation detection monitoring systems and offsetting the law enforcement agency's costs related to reviewing the recorded images and issuing the notices of violation.²²

School bus safety designations

“School Bus Safety Awareness Month”

The bill designates October as “School Bus Safety Awareness Month.” The month is so designated in order to increase public awareness of the need to properly stop when a stopped school bus is loading and unloading passengers.²³

“School Bus Safety Act”

The bill is officially named the “School Bus Safety Act.”²⁴

²⁰ R.C. 4511.753 and 4511.756.

²¹ R.C. 4511.756(D); corresponding changes in 4503.10, 4503.102, and 4503.12.

²² R.C. 4511.757.

²³ R.C. 5.501.

²⁴ Section 3.

HISTORY

Action	Date
Introduced	05-07-24
