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Office

S.B. 329
135th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsor: Sen. Gavarone

Local Impact Statement Procedure Required: No

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Highlights

- The bill expressly authorizes the use of cameras on school buses to capture images of a person illegally passing a school bus and establishes a civil enforcement scheme for certain violations when the driver's identity cannot be established.
- The bill establishes that the civil penalty for illegally passing a school bus is a fine of \$300, which is distributed as follows: (1) \$50 to the bill's newly created School Bus Safety Fund, and (2) \$250 to the entity responsible for the operation of the school bus that captured the violation and used for school bus safety technology initiatives.
- The School Bus Safety Fund must be used by the Department of Education and Workforce to support grants for the purchase of new safety features on school buses. It also may be used to fund public awareness initiatives regarding school bus safety laws.
- Certain law enforcement agencies may incur additional costs related to conducting investigations and issuing criminal citations, civil notices or warnings of violation, and entering into memorandums of understanding with entities that utilize school bus violation detection monitoring systems.
- Municipal and county courts will experience some administrative costs to implement a new civil enforcement scheme for violations of illegally passing a school bus captured by a school bus violation detection monitoring system. These courts may also experience an increase in caseloads; related costs may be offset to some extent by court cost revenue, if assessed and collected.

Detailed Analysis

School bus camera use

The bill expressly allows school districts; educational service centers (ESCs); county boards of developmental disabilities; community schools; science, technology, engineering, and mathematics (STEM) schools; chartered nonpublic schools; and federal Head Start programs to purchase, install, operate, and maintain school bus cameras, including violation detection monitoring systems, on school buses or to contract with a private vendor to do so. If the cameras used are school bus violation detection monitoring systems, the bill requires the entity to enter into a memorandum of understanding (MOU) 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.

Some school districts have already purchased and installed cameras on school buses to capture images or video of drivers illegally passing a bus. The cost varies depending on the number of buses in a district's fleet; the type, number, and quality of camera; and the method of procurement. Some buses have one camera per bus, usually located near the stop-arm on the driver's side. Others are equipped with additional cameras inside or outside the bus. The per-bus cost may be up to several thousand dollars based on the experience of Ohio school districts that have already purchased and installed such cameras.

The administrative cost for school districts and other public schools to enter into a formal MOU with a local law enforcement agency is likely minimal at most. School districts that have already installed cameras or violation detection monitoring systems and do not have a formal MOU or similar written arrangement presumably work with law enforcement on an ad hoc basis.

Rule adoption on camera construction and design

The bill requires the Department of Public Safety (DPS), with the advice of the Department of Education and Workforce (DEW), to adopt rules relating to the construction, design, and equipment associated with the use of school bus cameras, including a school bus violation detection monitoring system, that provides an image, images, or video for purposes of capturing a driver who illegally passes a school bus.

Of note, the Ohio State Highway Patrol (OSHP) is statutorily required to inspect buses registered in the state of Ohio twice a year.¹ OSHP currently has inspection criteria developed for interior and exterior cameras that are installed on school buses.² Thus, the one-time operating costs to perform any additional necessary rule adoption activities are likely to be minimal at most, and absorbed by both the departments of Public Safety and Education and Workforce using existing staff and resources.

¹ R.C. 4511.76 and 4513.02.

² School Bus Inspection Manual for 2024 (pages 65 and 67) can be found on the Ohio State Highway Patrol's website (statepatrol.ohio.gov) under "Services" and "Vehicle Inspections."

Enforcement – illegally passing a school bus

Law enforcement

Certain law enforcement agencies may incur additional costs to conduct investigations into alleged violations of illegally passing a school bus (including the review of any images or video obtained from a school bus camera and submitted as corroborating evidence), to issue a criminal citation, civil notice of violation, or warning, as appropriate, and to comply with the bill's court filing procedures and mailing requirements.³ It is also possible that an officer who issues a citation may have to appear in court if the violation issued is contested. The magnitude of potential costs incurred will vary by agency, depending on whether the agency has entered into an MOU with an entity that uses school bus violation detection monitoring systems for purposes of civil enforcement, the number of alleged violations reported, and the amount of staff, time, and resources available to dedicate to such enforcement.

The bill provides no direct funding for this purpose. However, it does specify that if a law enforcement agency enters into an MOU with an entity that uses school bus violation detection monitoring systems, the MOU must provide for reimbursement of law enforcement expenses incurred to review recorded images and to ensure appropriate enforcement support for issuing civil notices of violation. The bill also permits an entity responsible for the operation of a school bus that captured a violation to use the civil penalty it receives from the violation to offset law enforcement's costs related to reviewing recorded images and issuing civil notices of violation. The extent to which a law enforcement agency may receive civil penalty revenue under the bill is uncertain.

For context, OSHP reported a total of 735 criminal violations of illegally passing a school bus statewide in 2023.⁴ For calendar years 2019 through 2023, that number totaled 3,135 and averaged 627 violations per year. It should be noted however, that OSHP generally enforces traffic laws along state maintained roadways (e.g., highways and state routes). Statewide local law enforcement statistics are incomplete, but likely minimal per jurisdiction compared to overall traffic offenses.

Criminal penalties

Under existing law unchanged by the bill, illegally passing a school bus if the driver of the vehicle can be identified is an unclassified misdemeanor that does not carry a possible jail term but is subject to a fine of up to \$500 and a license suspension of up to one year.⁵ The violation also results in a mandatory in-person court appearance. The bill explicitly 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

³ The bill permits a law enforcement agency to utilize an agent (such as the contracted private vendor for the cameras) to send a civil notice of violation to the registered vehicle owner and to file a certified copy of the civil notice of violation with the municipal or county court with jurisdiction over the civil action.

⁴ These statistics were obtained from the Ohio State Highway Patrol's Statistical Analysis Unit and represent all of the Patrol's enforcement incidents involving R.C. 4511.75.

⁵ An unclassified misdemeanor is a misdemeanor that is not otherwise categorized as being first, second, third, or fourth degree, or as a minor misdemeanor.

citation. As a result of this allowance, plus the possibility that the use of school bus cameras may increase in the future, additional criminal citations may be issued and successfully adjudicated. As such, there could be an increase in the amount of fine revenue generated from illegally passing a school bus. Based on existing law's general rules of distribution, the fine revenue generated from a violation of state law is retained by the county in which the violation occurred.

Civil penalties

In addition to this criminal penalty structure, the bill creates a civil enforcement scheme that allows a local law enforcement agency to issue a civil notice of violation, or warning, to the vehicle's registered owner based on evidence obtained from a school bus violation detection monitoring system when the driver's identity cannot be established. The civil penalty for illegally passing a school bus is a fine of \$300. The bill specifies that law enforcement can issue a criminal citation or a civil notice of violation, but not both for the same incidence.⁶

Revenue generated from the bill's civil penalty is distributed as follows: (1) \$50 to the School Bus Safety Fund, created by the bill, and (2) \$250 to the entity responsible for the operation of the school bus that captured the violation for school bus safety technology initiatives, which may include defraying the costs of purchasing, installing, operating, and maintaining school bus violation detecting monitoring systems, and offsetting a law enforcement agency's costs related to reviewing recorded images and issuing civil notices of violation. The magnitude of potential civil fine revenue generated is indeterminate and will likely vary by jurisdiction based on the number of civil notices of violation issued by law enforcement and sanctioned by the courts.

The civil penalty revenue deposited into the School Bus Safety Fund must be used by DEW to provide school bus safety grants to school districts and ESCs to purchase, install, or replace safety features on school buses. It also may be used by DEW and DPS to educate the public on school bus safety laws. A school district or ESC desiring a school bus safety grant must apply to DEW for funding. The bill provides discretion to DEW in establishing procedures and requirements associated with the grants, including grant amounts. Grantees must spend the funds within two years of receiving them.

Municipal and county courts

By creating a new civil enforcement scheme for illegally passing a school bus, municipal and county courts will likely have to expend additional time and resources to implement the new process. It is possible that once implemented, the new process may result in some increase in caseload for the courts to dispose of annually. The magnitude of any potential increase is indeterminate, as is the extent to which any given court might be able to absorb such increases utilizing existing resources. It should be noted that the bill's impact will likely vary by court due to a number of factors, including existing staffing and resource levels, law enforcement use of the bill's civil enforcement scheme, the number of hearings required, and whether offenders who are ordered to pay the civil penalty do so.

⁶ The bill specifies that OSHP may only issue criminal citations and warnings and may not use the bill's civil enforcement scheme.

Bureau of Motor Vehicles

In the event that an offender fails to pay a civil penalty or any related court costs and fees, the bill gives the court with jurisdiction over the civil action the authority to notify the Registrar of Motor Vehicles of the offender's failure to pay. If notified, the Registrar must suspend the vehicle owner's registration and transfer of registration privileges until the civil penalty and all related costs have been paid. As a result, the Bureau of Motor Vehicles (BMV), which is housed under DPS, may experience a no more than minimal increase in the amount of existing staff time and resources expended annually to suspend and reinstate vehicle registration privileges under the bill. The BMV does not assess a fee to reinstate a vehicle owner's registration and transfer of registration privileges.

“School Bus Safety Awareness Month”

The bill designates August as “School Bus Safety Awareness Month” to increase public awareness of the need to properly stop when a stopped school bus is loading and unloading passengers. This provision has no direct fiscal effect on the state or political subdivisions, as it requires no action by the state or political subdivisions.