



Rep Richard Brown
Sponsor Testimony House Bill 70

Chair LaRe, Vice Chair Swearingen and Ranking Member Leland, thank you for giving me the opportunity to present sponsor testimony for House Bill 70 in committee today. I further want to thank Senator Schaffer, former Representative Gary Scherer and now-Senator Niraj Antani for their work on helping to craft this legislation, previously known as House Bill 646 in the 132nd General Assembly and sub House Bill 83 in the 133rd General Assembly. House Bill 70 is a collection of ideas involving school bus safety issues that we gathered. It has four main components: 1) increasing the current penalties on drivers who illegally pass a stopped school bus; 2) creating an escalating penalty for drivers who violate the law more than once within five years of a violation; 3) creating a statutory standard governing the use of external school bus video cameras and the use of images from these cameras in court proceedings; and, 4). providing increased education to the public about laws involving safety for school busses.

Since I originally submitted House Bill 646 in the 132nd General Assembly, the need to address school bus safety has become even more relevant as a result of many tragic incidents throughout our nation and in Ohio. In a particularly horrific Indiana incident, three siblings were rundown and killed by a motorist passing a stopped school bus.¹ Innocent children are being severely injured or killed in our streets while they are simply trying to get to or from school.

Our office has had Ohio bus drivers reach out to us about the importance of passing this legislation. One bus driver, Russ Bauknecht of Bay Village, was so impassioned about the inadequacy of our present reporting system that he provided us a memo detailing just how common these types of violations are. Each school week, he estimates that 50 vehicles illegally pass a stopped school bus, in Bay Village alone, a small community on Lake Erie of about 15,000 people

Unfortunately, drivers choosing to pass stopped school busses is a common occurrence. 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 from 2013-2018. That statistic

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>

is just based on incidents that OSHP was on site to ticket for, and does not include the myriad of violations that presently go unreported.

Presently, Ohio has no enhanced penalty for drivers who are cited for this violation multiple times. States as diverse as Florida, Maine, Nevada and Texas all have laws to punish more severely drivers who put our children at risk.

House Bill 70 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 offense. Our bill would put Ohio on an equal footing with other Midwestern states by imposing an up to \$1000 fine and/or a class 6 suspension of the violator's license for any first offense and a up to \$2,000 fine and/or a class 5 suspension for any additional offense, plus 4 license points.

The rationale for penalties for violations of criminal statutes is either deterrence or punishment. While the merits of deterrence based on a stricter penalty can be debated, I believe that this crime is so reckless and dangerous that the increased penalty is merited. It is important 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 with multiple infractions.

House Bill 70 will also provide statutory governance regarding the use of videos from cameras on the outside of school buses in court proceedings to identify drivers who pass them illegally. While it is currently a Department of Public Safety practice to allow for the installation of these cameras, House Bill 70 will explicitly allow for them to be used as corroborating evidence in a court proceeding to support the testimony of the bus driver or other witness to identify the driver. It is necessary to codify this into statute and not just rely on department rules.

What occurred recently in Texas is instructive. Texas similarly merely relied on departmental rules and local ordinances rather than state codified law to govern its system of bus cameras throughout the state and faced years of court proceedings over the legality of the use of such cameras and the admissibility of the images taken from them. These cases resulted in a patchwork of laws and regulations throughout the state and many convictions being overturned on appeal. House Bill 70 will standardize and codify the usage of these cameras.

Furthermore, the Ohio Revised Code currently puts the entire burden on the school bus driver or other eyewitnesses to report the license plate number of the offending vehicle, a general description of the vehicle, and a general description of the vehicle operator. This legislation would clarify that the images or video obtained from any camera mounted on a school bus recording the violation may be used to corroborate the identifying information provided by the school bus operator or other eyewitness about the violation so that a citation can be issued and a conviction ultimately obtained.

Lastly, House Bill 70 will include Senator Antani's preemptive plan that all licensing deputy registrars display graphics, at each deputy registrar location, to ensure that drivers are

given the opportunity to be educated on the proper procedure to follow when encountering a stopped school bus.

Pre-pandemic, more than 25 million children rode a school bus every weekday in the U.S., the safest option to get to school, as students are 70 times more likely to get to school safely with this mode of transportation. Though that is the case, nearly 60 school bus passengers died in crashes, and over 100 pedestrians under 18 were killed in crashes related to school transportation between 2007 and 2016. In 2018 alone, over 108,000 school bus drivers observed almost 84,000 vehicles illegally passing school buses in a single day. We must pass this legislation to protect our state's school children.

Once again, thank you Chair LaRe, Vice Chair Swearingin and Ranking Member Leland for giving me the opportunity to provide testimony on House Bill 70.