



State Representative Richard Brown

Chair McClain, Vice Chair Dobos, and Ranking Member Grim, thank you for giving me the opportunity to present sponsor testimony on House Bill 140 in committee today. I also want to thank Senator Schaffer, former Representative Gary Scherer, and Senator Niraj Antani, all Republicans, for their work while in the House to help craft this legislation, previously known as House Bill 646 in the 132nd General Assembly, sub-House Bill 83 in the 133rd General Assembly, and House Bill 70 in the 134th General Assembly. As you can see, I am not giving up trying to get this legislation passed.

House Bill 140 is a collection of ideas involving school bus safety issues. It has four main components: 1) increasing the current criminal 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.

Why is this legislation important? Since the original introduction of the bill 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. For example, in a particularly horrific incident a few years ago, three siblings were run down 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. My office has received startling information from Ohio school bus drivers detailing how often vehicles illegally pass stopped school busses. One school bus driver from Bay Village, a small Lake Erie community of 15,000 people, told us that each week about 50 vehicles illegally pass his stopped school bus.

In a 2023 study done by the National Association of State Directors of Pupil Transportation Services (NASDPTA), over 94,000 drivers across 33 states were observed making over 62,000 illegal school bus passes on a single day.² The survey indicates that, if adjusted for 100% of school bus drivers in the U.S., there would have been an estimated more than 242,000 illegal passes and more than 43.5 million violations over a 180-day school year.

¹ McLaughlin, E. C., & Burnside, T. (2018, November 2). *For 5th time in 3 days, a driver hits kids at a bus stop, this time in Tampa, police say*. CNN. <https://www.cnn.com/2018/11/01/us/tampa-school-bus-stop-vehicle-hits-students/index.html>

² Weber, R. (2023). *National Stop Arm Violation Count*. NASDPTS. <https://www.nasdpts.org/stop-arm-violations>

NASDPTA reports the problem of illegal passing of stopped school buses is continuing to increase.³ A similar report from NASDPTS showed that Ohio bus drivers observed and reported more than 1,500 Ohio drivers making illegal school bus passes in just one day.⁴ Since 2020, the Ohio State Highway Patrol has issued 1,268 citations statewide for illegal passing of school buses, and has reported over 6,200 crashes involving school buses in the State since 2018.⁵ So what would HB 140 do to help reduce this problem?

HB 140 would increase the current criminal penalties on drivers who illegally pass a stopped school bus, and, create an escalating penalty for drivers who violate the law more than once in a five-year period. Currently, Ohio has no enhanced penalties for drivers who are cited for this violation multiple times. Florida, Maine, Texas, and Nevada, among others, all have laws to punish more severely drivers who repeatedly put our children at risk. House Bill 140 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. HB 140 would put Ohio on an equal footing with other Midwestern states by imposing a fine of up to \$1,000 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, 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 to our children 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 the streets with multiple infractions.

House Bill 140 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 busses illegally. It is currently a Department of Public Safety practice to allow for the installation of these cameras, and many schools in the state have already or are beginning to equip their school buses with cameras, House Bill 140 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.

Why? Well, several years ago 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 140 will standardize and codify the usage of these cameras and enhance the probability of obtaining convictions.

³ Ibid.

⁴ Dennis, J. (2022, August 29) *Ohio bill aims to catch drivers who pass school buses*. Fox8. [Ohio bill aims to catch drivers passing school buses \(fox8.com\)](#)

⁵ Ohio State Highway Patrol. (n.d.). *Crashboard*. [Crash Dashboard | Ohio State Highway Patrol](#)

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 violating driver can be positively identified, a citation can be issued, and a conviction ultimately obtained.

Lastly, House Bill 140 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.

In summary, more than 25 million children ride 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. As of 2021, there were around 15,000 school bus routes in the state of Ohio, with thousands of children relying on school buses to get them to and from school safely. The bottom line is, our children's safety comes first, and this bill allows us to better protect our children and hold responsible those who endanger them in violation of Ohio law.