

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**S. B. No. 23**

**Senator Gavarone**

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**A BILL**

To amend sections 4511.751 and 4511.76 and to enact 1  
sections 5.501, 4511.752, 4511.753, 4511.754, 2  
4511.755, 4511.756, and 4511.757 of the Revised 3  
Code to impose a civil penalty when a driver who 4  
illegally passes a school bus cannot be 5  
identified, to designate the month of August as 6  
"School Bus Safety Awareness Month," and to 7  
designate this act as the School Bus Safety Act. 8

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4511.751 and 4511.76 be amended 9  
and sections 5.501, 4511.752, 4511.753, 4511.754, 4511.755, 10  
4511.756, and 4511.757 of the Revised Code be enacted to read as 11  
follows: 12

**Sec. 5.501.** The month of August is designated as "School 13  
Bus Safety Awareness Month" to increase public awareness of the 14  
need to properly stop when a stopped school bus is loading and 15  
unloading passengers. 16

**Sec. 4511.751.** (A) As used in this section, "license 17  
plate" includes, but is not limited to, any temporary license 18  
placard issued under section 4503.182 of the Revised Code or 19

similar law of another jurisdiction. 20

(B) When the operator of a school bus believes that a 21  
motorist has violated division (A) of section 4511.75 of the 22  
Revised Code, the operator shall report the license plate number 23  
and a general description of the vehicle and of the operator of 24  
the vehicle to the law enforcement agency exercising 25  
jurisdiction over the area where the alleged violation occurred. 26  
The information contained in the report relating to the license 27  
plate number and to the general description of the vehicle and 28  
the operator of the vehicle at the time of the alleged violation 29  
may be supplied by any person with first-hand knowledge of the 30  
information. Information of which the operator of the school bus 31  
has first-hand knowledge also may be corroborated by any other 32  
person, or an image, images, or video recorded by a school bus 33  
camera installed pursuant to section 4511.76 of the Revised 34  
Code. 35

(C) Upon receipt of the report of the alleged violation of 36  
division (A) of section 4511.75 of the Revised Code, the law 37  
enforcement agency shall conduct an investigation to attempt to 38  
determine or confirm the license plate of the vehicle or the 39  
identity of the operator of the vehicle at the time of the 40  
alleged violation. The law enforcement agency may use a 41  
sufficiently clear image, images, or video provided by a school 42  
bus camera installed pursuant to section 4511.76 of the Revised 43  
Code to determine the identity of the operator of the vehicle or 44  
the vehicle's license plate at the time of the alleged 45  
violation. 46

(D) If the identity of the operator at the time of the 47  
alleged violation is established, the reporting of the license 48  
plate number of the vehicle shall establish probable cause for 49

the law enforcement agency to issue a criminal citation for the 50  
violation of division (A) of section 4511.75 of the Revised 51  
Code. ~~However, if~~ 52

(E) If the identity of the operator of the vehicle at the 53  
time of the alleged violation cannot be established, the law 54  
enforcement agency shall ~~issue a warning~~ do one of the 55  
following, as applicable: 56

(1) Issue a ticket for a civil penalty of three hundred 57  
dollars to the registered owner of the vehicle at the time of 58  
the alleged violation, ~~except in the case of a leased or rented~~ 59  
vehicle when the warning shall be issued to the lessee at the 60  
time of the alleged violation in accordance with sections 61  
4511.752 to 4511.757 of the Revised Code. A law enforcement 62  
agency shall not issue a ticket under this division unless both 63  
of the following apply: 64

(a) The entity responsible for operation of the school bus 65  
that is the subject of the alleged violation has installed a 66  
camera pursuant to section 4511.76 of the Revised Code on all 67  
school buses actively operated by the entity; 68

(b) The recorded image meets all requirements necessary to 69  
issue a ticket under section 4511.753 of the Revised Code. 70

(2) If a ticket cannot be issued under division (E) (1) of 71  
this section, issue a warning to the registered owner of the 72  
vehicle at the time of the alleged violation. A law enforcement 73  
agency shall issue a warning under this division when the 74  
recorded image, images, or video are sufficiently clear to 75  
identify the license plate of the vehicle that is the subject of 76  
the alleged violation. 77

(F) A law enforcement agency shall not issue both a 78

criminal citation and a civil ticket for a single instance of a 79  
violation of division (A) of section 4511.75 of the Revised 80  
Code. 81

(G) The registrar of motor vehicles and deputy registrars 82  
shall, at the time of issuing license plates to any person, 83  
include with the license plate a summary of the requirements of 84  
division (A) of section 4511.75 of the Revised Code and the 85  
procedures of, and penalty in, division (F) of section 4511.75 86  
of the Revised Code. 87

**Sec. 4511.752.** As used in sections 4511.751 to 4511.757 88  
and section 4511.76 of the Revised Code: 89

(A) "Designated party" means the person whom the 90  
registered owner of a vehicle, upon receipt of a ticket based 91  
upon images recorded by a school bus camera that indicate a 92  
traffic law violation, identifies as the person who was 93  
operating the vehicle of the registered owner at the time of the 94  
violation. 95

(B) "Law enforcement officer" means a sheriff, deputy 96  
sheriff, marshal, deputy marshal, police officer of a police 97  
department of any municipal corporation, police constable of any 98  
township, or police officer of a township or joint police 99  
district, who is employed on a permanent, full-time basis by a 100  
law enforcement agency. 101

(C) "Motor vehicle leasing dealer" has the same meaning as 102  
in section 4517.01 of the Revised Code. 103

(D) "Motor vehicle renting dealer" has the same meaning as 104  
in section 4549.65 of the Revised Code. 105

(E) "Recorded images" means either of the following 106  
images, recorded by a school bus camera, that are sufficiently 107

clear and show, on at least one image or on a portion of the 108  
videotape, the rear of a vehicle and the letters and numerals on 109  
the rear license plate of the vehicle: 110

(1) Two or more photographs, microphotographs, electronic 111  
images, or digital images; 112

(2) Videotape. 113

(F) "Registered owner" means all of the following: 114

(1) Any person or entity identified by the bureau of motor 115  
vehicles or any other state motor vehicle registration bureau, 116  
department, or office as the owner of a vehicle; 117

(2) The lessee of a vehicle under a lease of six months or 118  
longer; 119

(3) The renter of a vehicle pursuant to a written rental 120  
agreement with a motor vehicle renting dealer. 121

(G) "School bus camera" means an electronic system located 122  
on a school bus that consists of a photographic, video, or 123  
electronic camera, and that can produce recorded images. 124

(H) "Entity responsible for operation of the school bus" 125  
means the applicable board of education of a city, local or 126  
exempted village school district, the governing board of an 127  
educational service center, county boards of developmental 128  
disabilities, or the governing authority of all non-public 129  
schools, community schools, private contractors, and head start 130  
programs that is responsible for the operation of the school bus 131  
on which a school bus camera is installed. 132

(I) "Ticket" means any traffic ticket, citation, summons, 133  
or other ticket issued in response to an alleged traffic law 134  
violation detected by a school bus camera that represents a 135

<u>civil violation.</u>	136
<u>(J) "Traffic law violation" means a violation of division</u>	137
<u>(A) of section 4511.75 of the Revised Code, or a substantially</u>	138
<u>equivalent municipal ordinance, when division (E) of section</u>	139
<u>4511.751 of the Revised Code applies.</u>	140
<b><u>Sec. 4511.753.</u></b> (A) (1) <u>Subject to division (E) (1) of</u>	141
<u>section 4511.751 of the Revised Code, when a law enforcement</u>	142
<u>agency receives a report under division (B) of that section, and</u>	143
<u>the identity of the operator of the vehicle at the time of the</u>	144
<u>alleged violation cannot be established, the law enforcement</u>	145
<u>agency may use any lawful means to identify the registered owner</u>	146
<u>for purposes of issuing a ticket under this section to that</u>	147
<u>owner if all of the following are shown on the image recorded by</u>	148
<u>a school bus camera:</u>	149
<u>(a) The traffic law violation;</u>	150
<u>(b) The date and time of the violation;</u>	151
<u>(c) The letter and numerals on the license plate of the</u>	152
<u>vehicle involved and the state that issued the license plate.</u>	153
<u>(2) The fact that a person or entity is the registered</u>	154
<u>owner of a vehicle is prima facie evidence that that person or</u>	155
<u>entity is the person who was operating the vehicle at the time</u>	156
<u>of the traffic law violation.</u>	157
<u>(B) (1) After the identification of the registered owner</u>	158
<u>under division (A) of this section and within thirty days of the</u>	159
<u>traffic law violation, the law enforcement agency may issue and</u>	160
<u>send by regular mail a ticket charging the registered owner with</u>	161
<u>the violation.</u>	162
<u>(2) A traffic law violation for which a ticket is issued</u>	163

by a law enforcement agency based on evidence recorded by a 164  
school bus camera is a civil violation. The ticket shall comply 165  
with the requirements of section 4511.754 of the Revised Code, 166  
and the fine for the ticket is three hundred dollars. 167

(C) A law enforcement agency that mails a ticket charging 168  
the registered owner with the traffic law violation shall, 169  
without unnecessary delay, file a certified copy of the ticket 170  
with the municipal court or county court with jurisdiction over 171  
the civil action. 172

(D) A certified copy of the ticket alleging a traffic law 173  
violation, sworn to or affirmed by a law enforcement officer 174  
employed by the law enforcement agency, including by electronic 175  
means, and the recorded images produced by the school bus 176  
camera, is prima facie evidence of the facts contained therein 177  
and is admissible in a civil action or proceeding concerning the 178  
ticket issued under this section. 179

**Sec. 4511.754.** A law enforcement agency shall ensure that 180  
a ticket for a traffic law violation sent under section 4511.753 181  
of the Revised Code contains all of the following: 182

(A) The name and address of the registered owner; 183

(B) The letters and numerals appearing on the license 184  
plate issued to the vehicle; 185

(C) The traffic law violation charged; 186

(D) A statement that the violation was recorded by a 187  
school bus camera; 188

(E) The date and time of the violation; 189

(F) A copy of the recorded images; 190

(G) The amount of the civil penalty imposed, the date by 191  
which the civil penalty is required to be paid, and the address 192  
of the municipal court or county court with jurisdiction over 193  
the civil action to which the payment is to be sent; 194

(H) A statement signed by a law enforcement officer 195  
indicating that, based on an inspection of the recorded images, 196  
the vehicle was involved in a traffic law violation and the 197  
recorded images are prima facie evidence of that traffic law 198  
violation. The law enforcement officer may sign the statement 199  
electronically. 200

(I) Information advising the person or entity alleged to 201  
be liable of the options prescribed in section 4511.755 of the 202  
Revised Code. The law enforcement agency shall include with the 203  
information the time, place, and manner in which the person or 204  
entity may appear in court to contest the violation and ticket 205  
and the procedure for disclaiming liability by submitting an 206  
affidavit to the municipal court or county court as prescribed 207  
in section 4511.755 of the Revised Code. 208

(J) A warning that failure to exercise one of the options 209  
prescribed in section 4511.755 of the Revised Code is deemed to 210  
be an admission of liability and waiver of the opportunity to 211  
contest the violation. 212

**Sec. 4511.755.** A person or entity who receives a ticket 213  
for a civil violation sent under section 4511.753 of the Revised 214  
Code shall elect to do one of the following: 215

(A) In accordance with instructions on the ticket, pay the 216  
civil penalty, thereby admitting liability and waiving the 217  
opportunity to contest the violation; 218

(B) (1) Within thirty days after receipt of the ticket, 219



provide the municipal court or county court with jurisdiction 220  
over the civil action with either of the following affidavits: 221

(a) An affidavit executed by the registered owner and the 222  
operator of the vehicle at the time of the violation identifying 223  
that operator as the designated party who may be held liable for 224  
the violation, and containing at a minimum the name and address 225  
of that designated party; 226

(b) An affidavit executed by the registered owner stating 227  
that at the time of the violation, the vehicle or the license 228  
plates issued to the vehicle were stolen and therefore were in 229  
the care, custody, or control of some person or entity to whom 230  
the registered owner did not grant permission to use the 231  
vehicle. To demonstrate that the vehicle or the license plates 232  
were stolen prior to the traffic law violation and therefore 233  
were not under the control or possession of the registered owner 234  
at the time of the violation, the registered owner shall submit 235  
proof that a report about the stolen vehicle or license plates 236  
was filed with the appropriate law enforcement agency prior to 237  
the violation or within forty-eight hours after the violation 238  
occurred. 239

(2) A registered owner is not responsible for a traffic 240  
law violation if, within thirty days after the date of mailing 241  
of the ticket, the registered owner furnishes an affidavit 242  
specified in division (B)(1)(a) or (b) of this section to the 243  
court with jurisdiction in a form established by the court and 244  
the following conditions are met: 245

(a) If the registered owner and the operator of the 246  
vehicle at the time of the violation submit an affidavit as 247  
specified in division (B)(1)(a) of this section, the operator as 248  
the designated party either accepts liability for the violation 249

by paying the civil penalty or by failing to request a court 250  
hearing within thirty days or is determined liable in a court 251  
hearing. 252

(b) If the registered owner submits an affidavit as 253  
specified in division (B)(1)(b) of this section, the affidavit 254  
is supported by a stolen vehicle or stolen license plate report 255  
as required in that division. 256

(C) If the registered owner is a motor vehicle leasing 257  
dealer or a motor vehicle renting dealer, notify the court with 258  
jurisdiction of the name and address of the lessee or renter of 259  
the vehicle at the time of the traffic law violation. The court 260  
shall establish the form of the notice. A motor vehicle leasing 261  
dealer or motor vehicle renting dealer who receives a ticket for 262  
an alleged traffic law violation detected by a school bus camera 263  
is not liable for a ticket issued for a vehicle that was in the 264  
care, custody, or control of a lessee or renter at the time of 265  
the alleged violation. The dealer shall not pay such a ticket 266  
and subsequently attempt to collect a fee or assess the lessee 267  
or renter a charge for any payment of such a ticket made on 268  
behalf of the lessee or renter. 269

(D) If the vehicle involved in the traffic law violation 270  
is a commercial motor vehicle and the ticket is issued to a 271  
corporate entity, provide to the court with jurisdiction an 272  
affidavit in a form established by the court, sworn to or 273  
affirmed by an agent of the corporate entity, that provides the 274  
name and address of the employee who was operating the vehicle 275  
at the time of the alleged violation and who is the designated 276  
party; 277

(E) Contest the ticket by filing a written request for a 278  
court hearing to review the ticket in a form established by the 279

court. The person shall file the written request not later than 280  
thirty days after receipt of the ticket. The failure to request 281  
a hearing within this time period constitutes a waiver of the 282  
right to contest the violation and ticket, and is deemed to 283  
constitute an admission of liability. 284

**Sec. 4511.756.** (A) (1) A court with jurisdiction that 285  
receives an affidavit described in division (B) (1) (a) or (D) of 286  
section 4511.755 of the Revised Code or a notification under 287  
division (C) of that section from a registered owner may proceed 288  
to notify the law enforcement agency to send a ticket that 289  
conforms with this section and section 4511.754 of the Revised 290  
Code to the designated party. 291

(2) The law enforcement agency shall send the conforming 292  
ticket to the designated party by ordinary mail not later than 293  
twenty-one days after receipt of the notification from the 294  
court. 295

(B) (1) If the court finds by a preponderance of the 296  
evidence that the alleged traffic law violation did in fact 297  
occur and that the person named in the original or any 298  
subsequent ticket is the person who was operating the vehicle at 299  
the time of the violation, the court shall issue a written 300  
decision imposing liability for the violation upon the 301  
individual and submit it to the law enforcement agency and the 302  
person named in the ticket. 303

(2) If the court finds by a preponderance of the evidence 304  
that the alleged traffic law violation did not occur or did in 305  
fact occur but the person named in the original or any 306  
subsequent ticket is not the person who was operating the 307  
vehicle at the time of the violation, the court shall issue a 308  
written decision finding that the individual is not liable for 309

the violation and submit it to the law enforcement agency and 310  
the person named in the ticket. 311

(3) If the person who requested the court hearing fails to 312  
appear, the court shall determine that the person is liable for 313  
the violation. In such a case, the court shall issue a written 314  
decision imposing liability for the violation upon the 315  
individual and submit it to the law enforcement agency and the 316  
person named in the ticket. 317

(4) The court shall render a decision on the day a hearing 318  
takes place. 319

(C) The court shall charge the applicable court costs and 320  
fees for the civil action to the party that does not prevail in 321  
the action. 322

**Sec. 4511.757.** (A) The three-hundred-dollar civil penalty 323  
charged under division (E) of section 4511.751 of the Revised 324  
Code shall be distributed as follows: 325

(1) Twenty-five dollars to the political subdivision with 326  
jurisdiction over the law enforcement officer who issued the 327  
ticket; 328

(2) Twenty-five dollars to the school bus safety and 329  
education fund created in division (B) of this section; 330

(3) Two hundred fifty dollars to the entity responsible 331  
for operation of the school bus. Of that amount, if the entity 332  
responsible for operation of the school bus is under contract 333  
with a company to install and manage cameras on the entity's 334  
school buses, the entity shall pay not more than one hundred 335  
fifty dollars to the company. 336

Nothing in this division shall be construed to require an 337

entity responsible for operation of a school bus to enter into a 338  
contract with a company to install and manage cameras on the 339  
entity's school buses. 340

(B) There is hereby created in the state treasury the 341  
school bus safety and education fund. The fund shall consist of 342  
a portion of the money received from the issuance of civil 343  
penalties for traffic law violations. The superintendent of 344  
public instruction shall use money in the fund to enhance school 345  
bus safety and raise public awareness of the laws governing 346  
school bus safety. All investment earnings of the fund shall be 347  
credited to the fund. 348

**Sec. 4511.76.** (A) The department of public safety, by and 349  
with the advice of the superintendent of public instruction, 350  
shall adopt and enforce rules relating to the construction, 351  
design, and equipment of all school buses both publicly and 352  
privately owned and operated in this state, including ~~lighting~~ 353  
rules governing both of the following: 354

(1) Lighting equipment required by section 4511.771 of the 355  
Revised Code, of all school buses both publicly and privately 356  
owned and operated in this state; 357

(2) A school bus camera that provides an image, images, or 358  
video solely for purposes of recording a violation of division 359  
(A) of section 4511.75 of the Revised Code. 360

(B) The department of education, by and with the advice of 361  
the director of public safety, shall adopt and enforce rules 362  
relating to the operation of all vehicles used for pupil 363  
transportation. 364

(C) No person shall operate a vehicle used for pupil 365  
transportation within this state in violation of the rules of 366

the department of education or the department of public safety. 367  
No person, being the owner thereof or having the supervisory 368  
responsibility therefor, shall permit the operation of a vehicle 369  
used for pupil transportation within this state in violation of 370  
the rules of the department of education or the department of 371  
public safety. 372

(D) The department of public safety shall adopt and 373  
enforce rules relating to the issuance of a license under 374  
section 4511.763 of the Revised Code. The rules may relate to 375  
the moral character of the applicant; the condition of the 376  
equipment to be operated; the liability and property damage 377  
insurance carried by the applicant; the posting of satisfactory 378  
and sufficient bond; and such other rules as the director of 379  
public safety determines reasonably necessary for the safety of 380  
the pupils to be transported. 381

(E) A chartered nonpublic school may own and operate, or 382  
contract with a vendor that supplies, a vehicle originally 383  
designed for not more than nine passengers, not including the 384  
driver, to transport students to and from regularly scheduled 385  
school sessions when one of the following applies: 386

(1) A student's school district of residence has declared 387  
the transportation of the student impractical pursuant to 388  
section 3327.02 of the Revised Code; or 389

(2) A student does not live within thirty minutes of the 390  
chartered nonpublic school and the student's school district is 391  
not required to transport the student under section 3327.01 of 392  
the Revised Code. 393

(F) As used in this section, "vehicle used for pupil 394  
transportation" means any vehicle that is identified as such by 395

the department of education by rule and that is subject to	396
Chapter 3301-83 of the Administrative Code.	397
(G) Except as otherwise provided in this division, whoever	398
violates this section is guilty of a minor misdemeanor. If the	399
offender previously has been convicted of or pleaded guilty to	400
one or more violations of this section or section 4511.63,	401
4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised	402
Code or a municipal ordinance that is substantially similar to	403
any of those sections, whoever violates this section is guilty	404
of a misdemeanor of the fourth degree.	405
<b>Section 2.</b> That existing sections 4511.751 and 4511.76 of	406
the Revised Code are hereby repealed.	407
<b>Section 3.</b> This act shall be known as the School Bus	408
Safety Act.	409