

As Introduced

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

S. B. No. 23

Senator Gavarone

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
<u>Sec. 4511.753.</u> (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
Section 2. That existing sections 4511.751 and 4511.76 of	406
the Revised Code are hereby repealed.	407
Section 3. This act shall be known as the School Bus	408
Safety Act.	409