

HOUSE BILL No. 2137

By Committee on Education

Requested by Representative Schreiber

1-28

1 AN ACT concerning school buses; relating to school bus safety; illegal
2 passing of school buses; authorizing the department of education to
3 contract with a private vendor for the installation, operation and
4 maintenance of stop signal arm video recording devices; establishing
5 procedures for violations and civil penalties therefor; requiring an
6 annual report to the legislature.
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. (a) (1) The department of education shall create policies
10 and procedures to contract with a private vendor for the installation,
11 operation and maintenance of stop signal arm video recording devices, to
12 capture motor vehicles operating in violation of K.S.A. 8-1556, and
13 amendments thereto, and to allow the department of education to assess
14 civil penalties pursuant to this section.

15 (2) Before allowing a private vendor to install stop signal arm video
16 recording devices on school buses, the board of education of a school
17 district shall adopt a resolution specifying the board's intent to work with
18 the private vendor designated by the department of education to capture
19 motor vehicles operating in violation of K.S.A. 8-1556, and amendments
20 thereto, and to allow the department of education to assess civil penalties
21 pursuant to this section. A resolution adopted pursuant to this subsection
22 shall require a majority vote of the members of the board of education.

23 (3) An agreement between the department of education and a private
24 vendor pursuant to this subsection shall:

25 (A) Specify the compensation owed to the vendor for the installation,
26 operation and maintenance of the stop signal arm video recording devices
27 and the cost of the equipment and for the expenses associated with any
28 other services necessary for the operation of stop signal arm video
29 recording devices; and

30 (B) contain data reporting requirements that the private vendor shall
31 provide to the department of education, including the total number of
32 notices issued as a result of a violation captured and recorded by the stop
33 signal arm video recording device and the total amount of civil penalties
34 issued from such notices.

35 (4) Civil penalties collected pursuant to this section shall be remitted

1 by the department of education to the state treasurer in accordance with the
2 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
3 each such remittance, the state treasurer shall credit the entire amount to
4 the school bus safety and education fund, which is hereby created in the
5 state treasury and shall be administered by the department of education.
6 Expenditures from the school bus safety and education fund may be made
7 for the purposes of covering expenses for work by a private vendor related
8 to the installation, operation and maintenance of stop signal arm video
9 recording devices, verifying violations captured by stop signal arm video
10 recording devices, educating the public on the dangers of violating K.S.A.
11 8-1556, and amendments thereto, and to alert the public of the
12 consequences for violations captured by stop signal arm video recording
13 devices. All expenditures from the school bus safety and education fund
14 shall be made in accordance with appropriation acts upon warrants of the
15 director of accounts and reports issued pursuant to vouchers approved by
16 the department of education or the department of education's designee.

17 (b) (1) Whenever a violation of K.S.A. 8-1556, and amendments
18 thereto, is detected by the private vendor from recorded images captured
19 by a stop signal arm recording device, the alleged violation shall be
20 forwarded to the Kansas highway patrol and reviewed and verified by a
21 designated official working under the supervision of the Kansas highway
22 patrol.

23 (2) The information reviewed by the Kansas highway patrol's
24 designated official to verify alleged violations pursuant to subsection (b)
25 (1) shall include the following:

- 26 (A) Recorded images of the alleged violation;
- 27 (B) the location where the alleged violation occurred;
- 28 (C) an image of the vehicle involved in the alleged violation; and
- 29 (D) an image of the registration plate of the vehicle involved in the
30 alleged violation.

31 (3) Recorded images showing a vehicle operating in violation of
32 K.S.A. 8-1556, and amendments thereto, shall be prima facie evidence that
33 a violation occurred.

34 (4) If the designated official verifying an evidence file determines
35 that a violation of K.S.A. 8-1556, and amendments thereto, has occurred, a
36 notice of violation shall be issued by the department of education to the
37 registered owner of the vehicle in the recorded images. A notice of
38 violation shall be sent to the registered vehicle owner's last known address
39 by first class mail within 14 calendar days from the date the violation
40 occurred. Such notice shall include:

- 41 (A) The information collected pursuant to subsection (b)(2);
- 42 (B) the amount of the civil penalty and the date by which such
43 penalty shall be paid;

1 (C) a signed affidavit by the party who verified the violation from the
2 evidence file;

3 (D) information advising the registered owner on the appeal process
4 to contest the captured violation; and

5 (E) a warning listing additional penalties for failure to pay the civil
6 penalty or file an appeal in a timely manner.

7 (c) (1) The penalty for a violation of K.S.A. 8-1556, and amendments
8 thereto, recorded by a stop signal arm video recording device shall be a
9 civil penalty of \$250.

10 (2) If the registered owner of a vehicle fails to pay the civil penalty
11 for a violation of K.S.A. 8-1556, and amendments thereto, captured by a
12 stop signal arm video recording device, the department of education is
13 authorized to inform the division of vehicles of such failure. The division
14 of vehicles may be instructed by the department of education to require
15 payment of any civil penalties due and owing to the department of
16 education at the time of registration or renewal of registration or otherwise
17 to refuse to register or renew the registration of the vehicle, as set forth in
18 K.S.A. 8-173, and amendments thereto, of the registered owner or owners,
19 until those civil penalties are paid to the satisfaction of the department of
20 education.

21 (3) The registered owner of a vehicle is presumed to be the driver
22 responsible for any violation of K.S.A. 8-1556, and amendments thereto,
23 captured by a stop signal arm video recording device. The registered
24 owner of a vehicle may contest that such owner was the driver of the
25 vehicle by appealing the notice of violation to the department of education
26 within 15 business days and providing sufficient evidence for an available
27 defense. Defenses available for the registered owner include that:

28 (A) At the time of the violation, the vehicle was stolen;

29 (B) at the time of the violation, the registration plate or registration
30 decal for the vehicle was stolen;

31 (C) the registered owner of the vehicle was already charged with a
32 traffic infraction for violation of K.S.A. 8-1556, and amendments thereto,
33 for the same incident; or

34 (D) at the time of the violation, the vehicle was sold or the registered
35 owner otherwise no longer owned the vehicle.

36 (4) Upon receipt of a contest from the registered owner, the
37 department of education shall investigate the contest and within 30
38 business days shall either dismiss the violation or confirm the violation. A
39 registered owner may thereafter pay the specified civil penalty or contest
40 the findings and conclusions of the department of education by requesting
41 an administrative hearing within 15 business days of receipt of the notice
42 of violation pursuant to the Kansas administrative procedure act.

43 (A) The administrative hearing shall be conducted in accordance with

1 the provisions of the Kansas administrative procedure act.

2 (B) Any party may appeal the administrative hearing order to the
3 district court in accordance with the provisions of the Kansas judicial
4 review act.

5 (d) (1) Recorded images made for purposes of this section shall be
6 released by the department of education or private vendor to the following:

7 (A) The registered owner of the vehicle captured in the recorded
8 images, upon request by such owner;

9 (B) a court or person as directed by a valid court order or subpoena;
10 or

11 (C) a Kansas law enforcement agency for investigation purposes
12 connected with alleged violations of K.S.A. 8-1556, and amendments
13 thereto, upon request by such agency.

14 (2) Recorded images that capture no violation of K.S.A. 8-1556, and
15 amendments thereto, shall be retained for not longer than 28 business days.
16 After 28 business days, the recorded images showing no violation shall be
17 destroyed or disposed of by the department of education or private vendor
18 responsible for identifying violations. Recorded images that capture
19 violations of K.S.A. 8-1556, and amendments thereto, shall be retained by
20 the party responsible for issuing notices of violations until the case is
21 closed. At such time that the case is closed, recorded images of the
22 violation shall be destroyed or disposed of.

23 (3) Recorded images made for purposes of this section shall not be
24 subject to the open records act, K.S.A. 45-215 et seq., and amendments
25 thereto. The provisions of this paragraph shall expire on July 1, 2028,
26 unless the legislature reviews and acts to continue this provision pursuant
27 to K.S.A. 45-229, and amendments thereto, prior to July 1, 2028.

28 (e) The department of education shall make an annual report to the
29 legislature detailing the total number of violations captured, the total
30 number of notices issued and the total amount of civil penalties collected
31 from such violations. The reports shall be published on the department of
32 education's website with a link to such reports.

33 (f) As used in this section:

34 (1) "Closed" means when the payment of the civil penalty has been
35 satisfied, the penalty or violation has been barred, the time for appeal has
36 expired or all appeals have been terminated.

37 (2) "Designated official" means a certified Kansas law enforcement
38 officer or a retired law enforcement officer who was in good standing at
39 the time of retirement and whose certification was not suspended, revoked
40 or surrendered at the time of retirement or any time subsequent to
41 retirement.

42 (3) "Recorded images" means photographic, digital or video images
43 recorded by a stop signal arm video recording device that provide:

- 1 (A) A clear view of a vehicle passing a school bus on either side;
- 2 (B) the date and time that the recording was made; and
- 3 (C) an electronic symbol confirming the activation of amber lights,
- 4 flashing red lights, stop signal arms fully extended and brakes.
- 5 (4) "Stop signal arm video recording device" means a camera or
- 6 cameras installed on a school bus stop signal arm that is capable of
- 7 producing recorded images.
- 8 Sec. 2. This act shall take effect and be in force from and after its
- 9 publication in the statute book.