

HOUSE BILL No. 2154

By Committee on Judiciary

1-27

1 AN ACT concerning school buses; relating to school bus safety; relating to
2 the illegal passing of school buses; authorizing the department of
3 education to contract with private vendors for the installation and
4 operation of stop signal arm video recording devices; creating
5 procedures for violations and civil penalties; requiring an annual report
6 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. 2020 Supp. 8-
13 1556, and amendments thereto, and to allow the department of education
14 to assess 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. 2020 Supp. 8-1556, and
20 amendments thereto, and to allow the department of education to assess
21 civil penalties pursuant to this section. A resolution adopted pursuant to
22 this subsection shall require a majority vote of the members of the board of
23 education.

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

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

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

36 (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 2020 Supp. 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. 2020 Supp. 8-1556, and
18 amendments thereto, is detected by the private vendor from recorded
19 images captured by a stop signal arm recording device, the alleged
20 violation shall be forwarded to the department of education and reviewed
21 and verified by a designated official working with the department of
22 education.

23 (2) The information reviewed by the department of education'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 for the vehicle involved in the
30 alleged violation.

31 (3) Recorded images showing a vehicle operating in violation of
32 K.S.A. 2020 Supp. 8-1556, and amendments thereto, shall be prima facie
33 evidence that a violation occurred.

34 (4) If the designated official verifying an evidence file determines
35 that a violation of K.S.A. 2020 Supp. 8-1556, and amendments thereto, has
36 occurred, a notice of violation shall be issued by the department of
37 education to the registered owner of the vehicle in the recorded images. A
38 notice of violation shall be sent to the registered vehicle owner's last
39 known address by first class mail within 14 calendar days from the date
40 the violation 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. 2020 Supp. 8-1556, and
8 amendments thereto, recorded by a stop signal arm video recording device
9 shall be a 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. 2020 Supp. 8-1556, and amendments thereto,
12 captured by a stop signal arm video recording device, the department of
13 education is authorized to inform the division of vehicles of such failure.
14 The division of vehicles may be instructed by the department of education
15 to require payment of any civil penalties due and owing to the department
16 of education at the time of registration or renewal of registration or
17 otherwise to refuse to register or renew the registration of the vehicle, as
18 set forth in K.S.A. 8-173, and amendments thereto, of the registered owner
19 or owners, until those civil penalties are paid to the satisfaction of the
20 department of education.

21 (3) The registered owner of a vehicle is presumed to be the driver
22 responsible for any violation of K.S.A. 2020 Supp. 8-1556, and
23 amendments thereto, captured by a stop signal arm video recording device.
24 The registered owner of a vehicle may contest that such owner was the
25 driver of the vehicle by appealing the notice of violation to the department
26 of education within 15 business days and providing sufficient evidence for
27 an available defense. Defenses available for the registered owner include
28 that:

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

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

32 (C) the registered owner of the vehicle was already charged with a
33 traffic infraction for violation of K.S.A. 2020 Supp. 8-1556, and
34 amendments thereto, for the same incident; or

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

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

1 (A) The administrative hearing shall be conducted in accordance with
2 the provisions of the Kansas administrative procedure act.

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

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

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

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

12 (C) a Kansas law enforcement agency for investigation purposes
13 connected with alleged violations of K.S.A. 2020 Supp. 8-1556, and
14 amendments thereto, upon request by such agency.

15 (2) Recorded images that capture no violation of K.S.A. 2020 Supp.
16 8-1556, and amendments thereto, shall be retained for no longer than 28
17 business days. After 28 business days, the recorded images showing no
18 violation shall be destroyed or disposed of by the department of education
19 or private vendor responsible for identifying violations. Recorded images
20 that capture violations of K.S.A. 2020 Supp. 8-1556, and amendments
21 thereto, shall be retained by the party responsible for issuing notices of
22 violations until the case is closed. At such time the case is closed, recorded
23 images of the violation shall be destroyed or disposed of.

24 (3) Recorded images made for purposes of this section shall not be
25 subject to the open records act, K.S.A. 45-215 et seq., and amendments
26 thereto. The provisions of this paragraph shall expire on July 1, 2026,
27 unless the legislature reviews and reenacts this provision pursuant to
28 K.S.A. 45-229, and amendments thereto, prior to July 1, 2026.

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

34 (f) As used in this section:

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

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

43 (2) "Recorded images" means photographic, digital or video images

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