

158.489 Contest of violation -- Evidence -- Standard of proof -- Defenses.

- (1) A recorded image produced by a camera monitoring system shall be sufficient evidence of a violation of KRS 189.370 and shall be admitted without further authentication for the purposes of enforcement. There shall be a rebuttable presumption that when any school bus is stopped with its stop arm activated it is for the purpose of receiving or discharging passengers, and that the school bus signal lights are activated and operational when a recorded image includes an electronic indicator signifying activation of signal lights.
- (2) In a contest to a stop arm camera violation, liability shall be determined by a preponderance of the evidence and it shall be a defense that:
 - (a) The motor vehicle or the motor vehicle registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation;
 - (b) The civil penalty is not enforceable because at the time and location of the violation the stop arm was not activated;
 - (c) The owner was not operating the vehicle at the time of the violation. An owner who raises this defense shall identify, under penalty of perjury, the person who was operating the vehicle at the time of the violation, including at a minimum the operator's name and address;
 - (d) The person operating the motor vehicle received a citation from a law enforcement officer for a violation of KRS 189.370 at the date and approximate time listed on the stop arm camera violation form;
 - (e) The violation was necessary to allow the passage of an emergency vehicle; or
 - (f) The violation occurred while the operator was participating in a funeral procession.
- (3) A contest to a stop arm camera violation shall be heard by the District Court, and the school district and applicable law enforcement agency shall defend the stop arm camera violation.
- (4) A school district may contract for legal services to fulfill the obligations in subsection (3) of this section.

Effective: July 15, 2026

History: Created 2026 Ky. Acts ch. 62, sec. 5, effective July 15, 2026.