

1 AN ACT relating to school bus safety and making an appropriation therefor.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO  
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 3 of this Act, unless the context requires otherwise:*

6 *(1) "Owner" has the same meaning as in KRS 186.010(7);*

7 *(2) "Recorded images" means two (2) or more photographic images or a segment of*  
8 *any video medium recorded by a school bus stop arm camera which show the rear*  
9 *of a motor vehicle and, on at least one (1) image or portion of video, clearly*  
10 *identify the registration plate number of the vehicle;*

11 *(3) "School bus stop arm camera" means a device installed on the exterior of a*  
12 *school bus for the purpose of capturing recorded images of motor vehicles*  
13 *passing the school bus from any direction when the bus is stopped with the stop*  
14 *arm fully extended and signal lights activated, in violation of KRS 189.370(1);*  
15 *and*

16 *(4) "Third-party designee" means an entity authorized by a local school district*  
17 *pursuant to a written contract to process alleged violations of KRS 189.370(1)*  
18 *recorded by a school bus stop arm camera operated and maintained by the third-*  
19 *party and collect civil penalties levied in accordance with Section 4 of this Act.*

20 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO  
21 READ AS FOLLOWS:

22 *(1) A local school district may install and maintain school bus stop arm cameras.*

23 *(2) A school district may contract with a third party for:*

24 *(a) The purchase or lease, installation, operation, and maintenance of school*  
25 *bus stop arm cameras; and*

26 *(b) The processing of alleged violations of KRS 189.370(1) recorded by school*  
27 *bus stop arm cameras, including the collection of funds levied in*

1 accordance with Section 3 of this Act.

2 (3) Prior to utilizing a school bus stop arm camera, each local school district shall:

3 (a) Create procedures to submit recorded images to the Transportation Cabinet  
4 within seven (7) days of the alleged violation of KRS 189.370(1); or

5 (b) Designate a third-party to process alleged violations of KRS 189.370(1)  
6 recorded by school bus stop arm cameras.

7 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 174 IS CREATED TO  
8 READ AS FOLLOWS:

9 (1) As used in this section, unless the context requires otherwise:

10 (a) "Owner" has the same meaning as in KRS 186.010(7); and

11 (b) "Recorded images," "school bus stop arm camera," and "third-party  
12 designee" have the same meaning as in Section 1 of this Act.

13 (2) Beginning no later than August 1, 2021, the cabinet or third-party designee shall  
14 review all recorded images captured by a school bus stop arm camera and make a  
15 determination as to whether a violation of KRS 189.370(1) occurred. If a  
16 violation of KRS 189.370(1) has occurred the cabinet or third-party designee  
17 shall issue a uniform civil citation in accordance with this section.

18 (3) Beginning no later than August 1, 2021, the cabinet or third-party designee shall  
19 issue a uniform civil citation for a civil penalty in the following amount upon the  
20 owner of a motor vehicle that is recorded by a school bus stop arm camera while  
21 being in violation of KRS 189.370(1):

22 (a) Three hundred dollars (\$300) for the first civil penalty; and

23 (b) Five hundred dollars (\$500) for each subsequent civil penalty issued within  
24 a three (3) year period.

25 (4) To carry out the purposes of this section, the cabinet shall prescribe a uniform  
26 civil citation form, which shall include:

27 (a) The name and address of the registered owner of the vehicle;

- 1        (b) The name and address of the driver of the vehicle, if known to be different  
2                from the owner;
- 3        (c) The violation charged;
- 4        (d) The date and time of the violation;
- 5        (e) The location of the violation;
- 6        (f) The amount of the civil penalty imposed and the date by which the civil  
7                penalty shall be paid;
- 8        (g) Information advising the person alleged to be liable under this section as to  
9                the manner and time in which the uniform civil citation may be appealed to  
10               the cabinet; and
- 11       (h) A warning that failure to pay the civil penalty imposed or to contest the  
12               matter in a timely manner is an admission of liability and shall result in the  
13               suspension of the motor vehicle's registration.
- 14       (5) Beginning no later than August 1, 2021, within thirty (30) days of a violation of  
15               KRS 189.370(1) recorded by a school bus stop arm camera the cabinet or third-  
16               party designee shall mail to the owner of a vehicle liable under subsection (2) of  
17               this section:
- 18       (a) A uniform civil citation as described in subsection (4) of this section;
- 19       (b) A copy of the recorded image;
- 20       (c) A signed, sworn statement of a technician employed by the cabinet or third-  
21               party designee that, based on inspection of recorded images, the motor  
22               vehicle was being operated in violation of KRS 189.370(1). This statement  
23               may be admissible in any proceeding challenging a uniform civil citation  
24               issued for a violation of KRS 189.370(1) recorded by a school bus stop arm  
25               camera; and
- 26       (d) Instructions on how to pay the civil penalty.
- 27       (6) A person who receives a uniform civil citation under this section shall within

- 1       thirty (30) days from the date of the uniform civil citation:
- 2       (a) Pay the civil penalty directly in accordance with the instructions included
- 3               with the uniform civil citation;
- 4       (b) Mail to the cabinet or third-party designee a copy of a criminal citation for
- 5               a violation of KRS 189.370(1) issued by a law enforcement officer to the
- 6               operator of the motor vehicle at the date and approximate time listed on the
- 7               uniform civil citation; or
- 8       (c) Elect to contest the uniform civil citation to the cabinet or third-party
- 9               designee issuing the uniform civil citation.
- 10      (7) (a) The cabinet has the power and authority to hear contests to uniform civil
- 11               citations issued by the cabinet in accordance with this section.
- 12               (b) A third-party designee has the power and authority to hear contests to
- 13               uniform civil citations issued by that third-party designee in accordance
- 14               with this section.
- 15               (c) At a minimum, the procedures for a contest to a uniform civil citation
- 16               issued in accordance with this section shall require that:
- 17                       1. A person who receives a uniform civil citation has an opportunity to
- 18                       submit an affidavit to dispute the underlying facts;
- 19                       2. The contest results in a final, written order prepared by an attorney
- 20                       licensed to practice law in Kentucky; and
- 21                       3. A person for whom a uniform civil citation issued under this section is
- 22                       upheld by a final, written order has the opportunity to file an appeal to
- 23                       the Franklin Circuit Court, as provided in KRS Chapter 13B.
- 24      (8) It shall be a defense of a uniform civil citation issued under this section that:
- 25               (a) The motor vehicle or the motor vehicle registration plates were stolen before
- 26               the violation occurred and were not under the control or possession of the
- 27               owner at the time of the violation;

1 (b) This section is not enforceable because at the time and place of the violation  
2 the stop arm was not extended or the signal lights were not activated so as to  
3 be seen by an ordinarily observant individual;

4 (c) The person named in the uniform civil citation was not operating the  
5 vehicle at the time of the violation. A person named in a uniform civil  
6 citation who uses this defense shall identify who was operating the vehicle  
7 at the time of the violation, including, at a minimum, the operator's name  
8 and address; or

9 (d) The person received a citation from a law enforcement officer for a  
10 violation of KRS 189.370(1) at the date and approximate time listed on the  
11 uniform civil citation.

12 (9) (a) The cabinet shall suspend the registration of the vehicle until the civil  
13 penalty is paid if the owner of the motor vehicle does not within thirty (30)  
14 days:

- 15 1. Pay a civil penalty imposed under subsection (2) of this section;  
16 2. Provide a copy of a citation for a violation of KRS 189.370(1) issued  
17 by a law enforcement officer at the date and approximate time listed  
18 on the uniform civil citation; or  
19 3. Appeal the uniform civil citation.

20 (b) A third-party designee shall notify the cabinet of the need to release a  
21 suspension levied in accordance with paragraph (a) of this subsection  
22 within one (1) business day of collecting the funds to satisfy the civil  
23 penalty.

24 (10) The funds collected by the cabinet for a civil penalty levied in accordance with  
25 this section shall be collected and disposed of in accordance with KRS 24A.180.  
26 Once deposited into the State Treasury:

27 (a) Eighty percent (80%) of the funds collected shall immediately be forwarded

1 to the school district in which the violation giving rise to the civil penalty  
2 occurred for the purchase or lease, installation, operation, and maintenance  
3 of school bus stop arm cameras, other school bus safety features, and other  
4 transportation costs;

5 (b) Ten percent (10%) of the funds collected shall immediately be forwarded to  
6 the Kentucky Department of Education for the promotion of school bus  
7 safety and other transportation costs; and

8 (c) Ten percent (10%) of the funds collected shall immediately be forwarded to  
9 the Transportation Cabinet.

10 (11) The funds collected by a third-party designee in accordance with this section  
11 shall be disposed of in the following manner:

12 (a) The third-party designee may retain no more than eighty percent (80%) of  
13 the funds collected and no more than two hundred and forty dollars (\$240)  
14 of each civil penalty as the exclusive payment for the lease, operation, and  
15 maintenance of school bus stop arm cameras and processing of alleged  
16 violations of KRS 189.370(1).

17 (b) The remainder of the funds collected by the third-party designee shall be  
18 deposited in the general fund of the State Treasury. Once deposited into the  
19 State Treasury:

20 1. Ten percent (10%) of the total funds collected by the third-party  
21 designee shall immediately be forwarded to the Kentucky Department  
22 of Education for the promotion of school bus safety and other  
23 transportation costs;

24 2. Ten percent (10%) of the total funds collected by the third-party  
25 designee shall immediately be forwarded to the Transportation  
26 Cabinet; and

27 3. Any remaining funds collected by the third-party designee shall

1 immediately be forwarded to the school district in which the violation  
 2 giving rise to the civil penalty occurred for the purchase, installation,  
 3 operation, and maintenance of school bus stop arm cameras, other  
 4 school bus safety features, or other transportation costs.

5 (12) A violation under this section shall not result in points against the driving record  
 6 of the operator of the vehicle in violation.

7 (13) The cabinet shall promulgate administrative regulations necessary to effectuate  
 8 the purpose of administering this section, including but not limited to:

9 (a) Establishing the minimum procedural requirements for a contest of a  
 10 uniform civil penalty issued in accordance with this section; and

11 (b) Establishing minimum calibration requirements for school bus stop arm  
 12 cameras no later than July 1, 2021.

13 ➔Section 4. KRS 189.990 is amended to read as follows:

14 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,  
 15 subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to  
 16 (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to  
 17 (4) of KRS 189.190, KRS 189.200, 189.285, 189.290, 189.300 to 189.360, KRS  
 18 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595 to  
 19 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to 189.590,  
 20 except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection (6) of  
 21 KRS 189.456, and 189.960 shall be fined not less than twenty dollars (\$20) nor  
 22 more than one hundred dollars (\$100) for each offense. Any person who violates  
 23 subsection (1)(a) of KRS 189.580 shall be fined not less than twenty dollars (\$20)  
 24 nor more than two thousand dollars (\$2,000) or imprisoned in the county jail for not  
 25 more than one (1) year, or both, unless the accident involved death or serious  
 26 physical injury and the person knew or should have known of the death or serious  
 27 physical injury, in which case the person shall be guilty of a Class D felony. Any

1 person who violates paragraph (c) of subsection (5) of KRS 189.390 shall be fined  
2 not less than eleven dollars (\$11) nor more than thirty dollars (\$30). Neither court  
3 costs nor fees shall be taxed against any person violating paragraph (c) of  
4 subsection (5) of KRS 189.390.

5 (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221,  
6 189.222, 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents  
7 (\$0.02) per pound for each pound of excess load when the excess is five  
8 thousand (5,000) pounds or less. When the excess exceeds five thousand  
9 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each pound of  
10 excess load, but the fine levied shall not be less than one hundred dollars  
11 (\$100) and shall not be more than five hundred dollars (\$500).

12 (b) Any person who violates the provisions of KRS 189.271 and is operating on a  
13 route designated on the permit shall be fined one hundred dollars (\$100);  
14 otherwise, the penalties in paragraph (a) of this subsection shall apply.

15 (c) Any person who violates any provision of subsection (2) or (3) of KRS  
16 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,  
17 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which  
18 another penalty is not specifically provided shall be fined not less than ten  
19 dollars (\$10) nor more than five hundred dollars (\$500).

20 (d) 1. Any person who violates the provisions of KRS 177.985 while operating  
21 on a route designated in KRS 177.986 shall be fined one hundred dollars  
22 (\$100).

23 2. Any person who operates a vehicle with a permit under KRS 177.985 in  
24 excess of eighty thousand (80,000) pounds while operating on a route  
25 not designated in KRS 177.986 shall be fined one thousand dollars  
26 (\$1,000).

27 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to



1 prejudice or affect the authority of the Department of Vehicle Regulation to  
 2 suspend or revoke certificates of common carriers, permits of contract  
 3 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221  
 4 to 189.228 or any other act applicable to motor vehicles, as provided by law.

5 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not  
 6 more than fifteen dollars (\$15).

7 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not  
 8 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).

9 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not  
 10 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).

11 (b) Any peace officer who fails, when properly informed, to enforce KRS 189.210  
 12 shall be fined not less than twenty-five dollars (\$25) nor more than one  
 13 hundred dollars (\$100).

14 (c) All fines collected under this subsection, after payment of commissions to  
 15 officers entitled thereto, shall go to the county road fund if the offense is  
 16 committed in the county, or to the city street fund if committed in the city.

17 (5) (a) Any person who violates KRS 189.370 shall for the first offense be fined not  
 18 less than one hundred dollars (\$100) nor more than ~~three~~<sup>two</sup> hundred dollars  
 19 ~~(\$300)~~<sup>(\$200)</sup> or imprisoned not less than thirty (30) days nor more than  
 20 sixty (60) days, or both. For each subsequent offense occurring within three  
 21 (3) years, the person shall be fined not less than three hundred dollars (\$300)  
 22 nor more than five hundred dollars (\$500) or imprisoned not less than sixty  
 23 (60) days nor more than six (6) months, or both. The minimum fine for this  
 24 violation shall not be subject to suspension. A minimum of six (6) points shall  
 25 be assessed against the driving record of any person convicted.

26 (b) The fines and costs for a violation of KRS 189.370 shall be collected and  
 27 disposed of in accordance with KRS 24A.180. Once deposited into the State

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**Treasury:**

- 1. Eighty percent (80%) of the fines collected shall immediately be forwarded to the school district in which the violation occurred for the purchase, installation, operation, and maintenance of school bus stop arm cameras, school bus safety features, or other transportation costs;**
- 2. Ten percent (10%) of the fines collected shall immediately be forwarded to the Kentucky Department of Education for the promotion of school bus safety and other transportation costs; and**
- 3. Ten percent (10%) of the fines collected shall annually be returned to the law enforcement agency that issues the citation.**

**(c) Any person who violates KRS 189.370 as evidenced by a recorded image captured by a school bus stop arm camera but does not receive a citation from a police officer at the time of the violation shall be subject to a civil penalty in accordance with Section 3 of this Act.**

- (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars (\$15) in excess of the cost of the repair of the road.
- (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than twenty dollars (\$20) nor more than fifty dollars (\$50).
- (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned not less than thirty (30) days nor more than twelve (12) months, or both.  
(b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a Class B misdemeanor.

- 1 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than  
2 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- 3 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of  
4 this section shall, in the case of a public highway, be paid into the county road fund,  
5 and, in the case of a privately owned road or bridge, be paid to the owner. These  
6 fines shall not bar an action for damages for breach of contract.
- 7 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not  
8 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each  
9 offense.
- 10 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than  
11 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 12 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than  
13 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 14 (16) Any person who violates restrictions or regulations established by the secretary of  
15 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,  
16 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not  
17 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or  
18 imprisoned for thirty (30) days, or both.
- 19 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty  
20 of a Class B misdemeanor.
- 21 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in  
22 case of violation by any person in whose name the vehicle used in the  
23 transportation of inflammable liquids or explosives is licensed, the person  
24 shall be fined not less than one hundred dollars (\$100) nor more than five  
25 hundred dollars (\$500). Each violation shall constitute a separate offense.
- 26 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for  
27 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor

1 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days  
2 nor more than thirty (30) days.

3 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,  
4 unless the offense is being committed by a defendant fleeing the commission of a  
5 felony offense which the defendant was also charged with violating and was  
6 subsequently convicted of that felony, in which case it is a Class A misdemeanor.

7 (20) Any law enforcement agency which fails or refuses to forward the reports required  
8 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.

9 (21) A person who operates a bicycle in violation of the administrative regulations  
10 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)  
11 nor more than one hundred dollars (\$100).

12 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred  
13 dollars (\$500) or imprisoned for not more than six (6) months, or both.

14 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five  
15 dollars (\$25) nor more than three hundred dollars (\$300).

16 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty  
17 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this  
18 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional  
19 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,  
20 or any other additional fees or costs.

21 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a  
22 uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.  
23 For a violation on or after July 1, 2009, the person shall be fined thirty dollars (\$30).  
24 This fine shall be subject to prepayment. A fine imposed under this subsection shall  
25 not be subject to court costs pursuant to KRS 24A.175, additional court costs  
26 pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or any other  
27 additional fees or costs. A person who has not been previously charged with a

1 violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting the  
2 requirements of KRS 189.125. Upon presentation of sufficient proof of the  
3 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.

4 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an  
5 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to  
6 prepayment. A fine imposed under this subsection shall not be subject to court costs  
7 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee  
8 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.

9 (27) Fines levied pursuant to this chapter shall be assessed in the manner required by  
10 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall  
11 be governed by KRS 534.020 and 534.060.

12 (28) A licensed driver under the age of eighteen (18) charged with a moving violation  
13 pursuant to this chapter as the driver of a motor vehicle may be referred, prior to  
14 trial, by the court to a diversionary program. The diversionary program under this  
15 subsection shall consist of one (1) or both of the following:

16 (a) Execution of a diversion agreement which prohibits the driver from operating  
17 a vehicle for a period not to exceed forty-five (45) days and which allows the  
18 court to retain the driver's operator's license during this period; and

19 (b) Attendance at a driver improvement clinic established pursuant to KRS  
20 186.574. If the person completes the terms of this diversionary program  
21 satisfactorily the violation shall be dismissed.

22 (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall  
23 be fined two hundred fifty dollars (\$250). The fines and costs for a violation of  
24 subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in  
25 accordance with KRS 24A.180. Once deposited into the State Treasury, ninety  
26 percent (90%) of the fine collected under this subsection shall immediately be  
27 forwarded to the personal care assistance program under KRS 205.900 to 205.920.

1        Ten percent (10%) of the fine collected under this subsection shall annually be  
2        returned to the county where the violation occurred and distributed equally to all  
3        law enforcement agencies within the county.

4        (30) Any person who violates KRS 189.292 or 189.294 shall be fined twenty-five dollars  
5        (\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.