

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 and enforcement of alleged violations of KRS 189.370(1)*
27 *recorded by school bus stop arm cameras, including the collection of funds*

1 levied in 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);

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; and

13 (c) "Third-party designee" means an entity authorized by a local school district
14 or the cabinet pursuant to a written contract to process and enforce alleged
15 violations of KRS 189.370(1) recorded by a school bus stop arm camera and
16 collect civil penalties levied in accordance with Section 4 of this Act.

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

22 (3) The cabinet may contract with a third party for the processing and enforcement
23 of alleged violations of KRS 189.370(1) recorded by school bus stop arm cameras,
24 including the collection of funds levied in accordance with Section 3 of this Act.

25 (4) Beginning no later than August 1, 2021, the cabinet or third-party designee shall
26 issue a uniform civil citation for a civil penalty in the following amount upon the
27 owner of a motor vehicle that is recorded by a school bus stop arm camera while

1 being in violation of KRS 189.370(1):

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

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

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

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

8 (b) The name and address of the driver of the vehicle, if known to be different
9 from the owner;

10 (c) The violation charged;

11 (d) The date and time of the violation;

12 (e) The location of the violation;

13 (f) The amount of the civil penalty imposed and the date by which the civil
14 penalty shall be paid;

15 (g) Information advising the person alleged to be liable under this section as to
16 the manner and time in which the uniform civil citation may be contested;
17 and

18 (h) A warning that failure to pay the civil penalty imposed or to contest the
19 matter in a timely manner is an admission of liability and shall result in the
20 suspension of the motor vehicle's registration.

21 (6) Beginning no later than August 1, 2021, within thirty (30) days of a violation of
22 KRS 189.370(1) recorded by a school bus stop arm camera the cabinet or third-
23 party designee shall send the following by certified mail to the owner of a vehicle
24 liable under subsection (2) of this section:

25 (a) A uniform civil citation as described in subsection (5) of this section;

26 (b) A copy of the recorded image;

27 (c) A signed, sworn statement of a technician employed by the cabinet or third-

1 party designee that, based on inspection of recorded images, the motor
2 vehicle was being operated in violation of KRS 189.370(1). This statement
3 may be admissible in any proceeding challenging a uniform civil citation
4 issued for a violation of KRS 189.370(1) recorded by a school bus stop arm
5 camera; and

6 (d) Instructions on how to pay the civil penalty.

7 (7) A person who receives a uniform civil citation under this section shall within
8 sixty (60) days from the date of the uniform civil citation:

9 (a) Pay the civil penalty directly in accordance with the instructions included
10 with the uniform civil citation;

11 (b) Mail to the cabinet or third-party designee a copy of a criminal citation for
12 a violation of KRS 189.370(1) issued by a law enforcement officer to the
13 operator of the motor vehicle at the date and approximate time listed on the
14 uniform civil citation; or

15 (c) Elect to contest the uniform civil citation to the cabinet or third-party
16 designee issuing the uniform civil citation.

17 (8) (a) The cabinet has the power and authority to hear contests to uniform civil
18 citations issued by the cabinet in accordance with this section but shall not
19 have the power, authority, or obligation to hear contests to any uniform civil
20 citation issued by a third-party designee or otherwise defend an appeal of a
21 uniform civil citation issued by a third-party designee.

22 (b) A third-party designee has the exclusive power and authority to hear
23 contests to uniform civil citations issued by that third-party designee in
24 accordance with this section and shall be responsible for defending the
25 uniform civil citation issued by the third-party designee upon appeal.

26 (c) At a minimum, the procedures for a contest to a uniform civil citation
27 issued in accordance with this section shall require that:

- 1 1. A person who receives a uniform civil citation has an opportunity to
2 submit an affidavit to dispute the underlying facts;
- 3 2. The contest results in a final, written order prepared by an attorney
4 licensed to practice law in Kentucky; and
- 5 3. A person for whom a uniform civil citation issued under this section is
6 upheld by a final, written order has the opportunity to file an appeal to
7 the District Court of the county in which the violation is alleged to
8 have occurred.

- 9 (9) It shall be a defense of a uniform civil citation issued under this section that:
- 10 (a) The motor vehicle or the motor vehicle registration plates were stolen before
11 the violation occurred and were not under the control or possession of the
12 owner at the time of the violation;
 - 13 (b) This section is not enforceable because at the time and place of the violation
14 the stop arm was not extended or the signal lights were not activated so as to
15 be seen by an ordinarily observant individual;
 - 16 (c) The person named in the uniform civil citation was not operating the
17 vehicle at the time of the violation. A person named in a uniform civil
18 citation who uses this defense shall identify who was operating the vehicle
19 at the time of the violation, including, at a minimum, the operator's name
20 and address; or
 - 21 (d) The person received a citation from a law enforcement officer for a
22 violation of KRS 189.370(1) at the date and approximate time listed on the
23 uniform civil citation.
- 24 (10) (a) The cabinet shall suspend the registration of the vehicle until the civil
25 penalty is paid if the owner of the motor vehicle does not within sixty (60)
26 days:
- 27 1. Pay a civil penalty imposed under subsection (2) of this section;

1 2. Provide a copy of a citation for a violation of KRS 189.370(1) issued
2 by a law enforcement officer at the date and approximate time listed
3 on the uniform civil citation; or

4 3. Contest the uniform civil citation.

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

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

12 (a) Ten percent (10%) of the funds collected shall immediately be forwarded to
13 the school district in which the violation giving rise to the civil penalty
14 occurred for the purchase or lease, installation, operation, and maintenance
15 of school bus stop arm cameras, other school bus safety features, and other
16 transportation costs;

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

20 (c) Eighty percent (80%) of the funds collected shall immediately be forwarded
21 to the Transportation Cabinet.

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

24 (a) The third-party designee may retain no more than eighty percent (80%) of
25 the funds collected and no more than two hundred and forty dollars (\$240)
26 of each civil penalty as the exclusive payment for the lease, operation, and
27 maintenance of school bus stop arm cameras and processing and

1 enforcement of alleged violations of KRS 189.370(1).

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

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

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

12 3. Any remaining funds collected by the third-party designee shall
 13 immediately be forwarded to the school district in which the violation
 14 giving rise to the civil penalty occurred for the purchase, installation,
 15 operation, and maintenance of school bus stop arm cameras, other
 16 school bus safety features, or other transportation costs.

17 (13) A violation under this section shall not result in points against the driving record
 18 of the operator of the vehicle in violation.

19 (14) The cabinet shall promulgate administrative regulations necessary to effectuate
 20 the purpose of administering this section, including but not limited to:

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

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

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

26 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,
 27 subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to

1 (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to
2 (4) of KRS 189.190, KRS 189.200, 189.285, 189.290, 189.300 to 189.360, KRS
3 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595 to
4 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to 189.590,
5 except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection (6) of
6 KRS 189.456, and 189.960 shall be fined not less than twenty dollars (\$20) nor
7 more than one hundred dollars (\$100) for each offense. Any person who violates
8 subsection (1)(a) of KRS 189.580 shall be fined not less than twenty dollars (\$20)
9 nor more than two thousand dollars (\$2,000) or imprisoned in the county jail for not
10 more than one (1) year, or both, unless the accident involved death or serious
11 physical injury and the person knew or should have known of the death or serious
12 physical injury, in which case the person shall be guilty of a Class D felony. Any
13 person who violates paragraph (c) of subsection (5) of KRS 189.390 shall be fined
14 not less than eleven dollars (\$11) nor more than thirty dollars (\$30). Neither court
15 costs nor fees shall be taxed against any person violating paragraph (c) of
16 subsection (5) of KRS 189.390.

17 (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221,
18 189.222, 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents
19 (\$0.02) per pound for each pound of excess load when the excess is five
20 thousand (5,000) pounds or less. When the excess exceeds five thousand
21 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each pound of
22 excess load, but the fine levied shall not be less than one hundred dollars
23 (\$100) and shall not be more than five hundred dollars (\$500).

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

27 (c) Any person who violates any provision of subsection (2) or (3) of KRS

1 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
2 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which
3 another penalty is not specifically provided shall be fined not less than ten
4 dollars (\$10) nor more than five hundred dollars (\$500).

5 (d) 1. Any person who violates the provisions of KRS 177.985 while operating
6 on a route designated in KRS 177.986 shall be fined one hundred dollars
7 (\$100).

8 2. Any person who operates a vehicle with a permit under KRS 177.985 in
9 excess of eighty thousand (80,000) pounds while operating on a route
10 not designated in KRS 177.986 shall be fined one thousand dollars
11 (\$1,000).

12 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to
13 prejudice or affect the authority of the Department of Vehicle Regulation to
14 suspend or revoke certificates of common carriers, permits of contract
15 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221
16 to 189.228 or any other act applicable to motor vehicles, as provided by law.

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

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

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

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

26 (c) All fines collected under this subsection, after payment of commissions to
27 officers entitled thereto, shall go to the county road fund if the offense is

1 committed in the county, or to the city street fund if committed in the city.

2 (5) (a) Any person who violates KRS 189.370 shall for the first offense be fined not
3 less than one hundred dollars (\$100) nor more than ~~three~~^{two} hundred dollars
4 ~~(\$300)~~~~(\$200)~~ or imprisoned not less than thirty (30) days nor more than
5 sixty (60) days, or both. For each subsequent offense occurring within three
6 (3) years, the person shall be fined not less than three hundred dollars (\$300)
7 nor more than five hundred dollars (\$500) or imprisoned not less than sixty
8 (60) days nor more than six (6) months, or both. The minimum fine for this
9 violation shall not be subject to suspension. A minimum of six (6) points shall
10 be assessed against the driving record of any person convicted.

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

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

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

27 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars

- 1 (\$15) in excess of the cost of the repair of the road.
- 2 (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than
3 twenty dollars (\$20) nor more than fifty dollars (\$50).
- 4 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not
5 less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- 6 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-
7 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned
8 not less than thirty (30) days nor more than twelve (12) months, or both.
- 9 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-
10 five dollars (\$35) nor more than one hundred dollars (\$100).
- 11 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a
12 Class B misdemeanor.
- 13 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than
14 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- 15 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of
16 this section shall, in the case of a public highway, be paid into the county road fund,
17 and, in the case of a privately owned road or bridge, be paid to the owner. These
18 fines shall not bar an action for damages for breach of contract.
- 19 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not
20 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
21 offense.
- 22 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than
23 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 24 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than
25 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 26 (16) Any person who violates restrictions or regulations established by the secretary of
27 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,

1 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not
2 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
3 imprisoned for thirty (30) days, or both.

4 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty
5 of a Class B misdemeanor.

6 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in
7 case of violation by any person in whose name the vehicle used in the
8 transportation of inflammable liquids or explosives is licensed, the person
9 shall be fined not less than one hundred dollars (\$100) nor more than five
10 hundred dollars (\$500). Each violation shall constitute a separate offense.

11 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for
12 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor
13 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days
14 nor more than thirty (30) days.

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

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

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

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

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

- 1 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty
2 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this
3 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
4 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,
5 or any other additional fees or costs.
- 6 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a
7 uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.
8 For a violation on or after July 1, 2009, the person shall be fined thirty dollars (\$30).
9 This fine shall be subject to prepayment. A fine imposed under this subsection shall
10 not be subject to court costs pursuant to KRS 24A.175, additional court costs
11 pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or any other
12 additional fees or costs. A person who has not been previously charged with a
13 violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting the
14 requirements of KRS 189.125. Upon presentation of sufficient proof of the
15 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- 16 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an
17 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to
18 prepayment. A fine imposed under this subsection shall not be subject to court costs
19 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee
20 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- 21 (27) Fines levied pursuant to this chapter shall be assessed in the manner required by
22 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall
23 be governed by KRS 534.020 and 534.060.
- 24 (28) A licensed driver under the age of eighteen (18) charged with a moving violation
25 pursuant to this chapter as the driver of a motor vehicle may be referred, prior to
26 trial, by the court to a diversionary program. The diversionary program under this
27 subsection shall consist of one (1) or both of the following:

- 1 (a) Execution of a diversion agreement which prohibits the driver from operating
2 a vehicle for a period not to exceed forty-five (45) days and which allows the
3 court to retain the driver's operator's license during this period; and
- 4 (b) Attendance at a driver improvement clinic established pursuant to KRS
5 186.574. If the person completes the terms of this diversionary program
6 satisfactorily the violation shall be dismissed.
- 7 (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall
8 be fined two hundred fifty dollars (\$250). The fines and costs for a violation of
9 subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in
10 accordance with KRS 24A.180. Once deposited into the State Treasury, ninety
11 percent (90%) of the fine collected under this subsection shall immediately be
12 forwarded to the personal care assistance program under KRS 205.900 to 205.920.
13 Ten percent (10%) of the fine collected under this subsection shall annually be
14 returned to the county where the violation occurred and distributed equally to all
15 law enforcement agencies within the county.
- 16 (30) Any person who violates KRS 189.292 or 189.294 shall be fined twenty-five dollars
17 (\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.