

1 AN ACT relating to school bus safety.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO  
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 6 of this Act:*

6 *(1) "Camera monitoring system" means a system with one (1) or more camera*  
7 *sensors or computers installed and operated on a school bus that:*

8 *(a) Produce recorded images; and*

9 *(b) Record the activation status of the stop arm and the time, date, and location*  
10 *of the school bus when the recorded images are captured;*

11 *(2) "Owner" has the same meaning as in KRS 186.010;*

12 *(3) "Recorded images" means two (2) or more photographic images or a segment of*  
13 *any video medium recorded by a camera monitoring system which show on at*  
14 *least one (1) image or portion of video the registration plate number of a motor*  
15 *vehicle being operated in violation of Section 8 of this Act;*

16 *(4) "School district" means a county school district as described in KRS 160.010 or*  
17 *an independent school district as described in KRS 160.020; and*

18 *(5) "Stop arm camera violation" means a violation of Section 8 of this Act that is*  
19 *recorded by a camera monitoring system and enforced in accordance with*  
20 *Sections 1 to 6 of this Act.*

21 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO  
22 READ AS FOLLOWS:

23 *(1) A school district may install and maintain a camera monitoring system on any*  
24 *school bus operated by the school district for the enforcement of a civil penalty*  
25 *against the owner of a motor vehicle for a stop arm camera violation.*

26 *(2) A school district may contract with a private vendor or manufacturer to install,*  
27 *operate, and maintain camera monitoring systems on school buses operated by*

1 the school district.

2 (3) A stop arm camera violation may be enforced by a law enforcement agency, a  
3 certified peace officer, or a school resource officer as defined in KRS 158.441,  
4 upon review of the recorded images produced by a camera monitoring system.

5 (4) A school bus with a camera monitoring system installed and maintained in  
6 accordance with this section shall display a warning sign notifying the public of  
7 the camera monitoring system.

8 (5) Recorded images and other records related to a specific stop arm camera  
9 violation are private information and shall only be accessible to authorized  
10 personnel for the purpose of enforcing stop arm camera violations, traffic  
11 violations, and any other incidents captured by the camera monitoring system in  
12 the course of normal operation that could result in civil or criminal liability.

13 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO  
14 READ AS FOLLOWS:

15 (1) The amount of a civil penalty for a stop arm camera violation shall be:

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

17 (b) Five hundred dollars (\$500) for each subsequent civil penalty issued to an  
18 owner within a three (3) year period.

19 (2) All revenue generated from a civil penalty for a stop arm camera violation shall  
20 be collected and retained by the school district operating the camera monitoring  
21 system, unless the penalty is collected as a result of action taken in the Court of  
22 Justice in which case court costs may be deducted from the amount paid to the  
23 school district.

24 (3) A law enforcement agency may charge and collect from the school district a fee  
25 of twenty-five dollars (\$25) from every civil penalty collected by the school district  
26 under this section for a violation that was enforced by the law enforcement  
27 agency.

1 (4) A stop arm camera violation shall not result in points being assessed against the  
2 driving record of the owner or operator of the vehicle in violation.

3 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO  
4 READ AS FOLLOWS:

5 (1) Upon a determination to issue a stop arm camera violation notice, the following  
6 documents shall be sent, either by the law enforcement agency or the school  
7 district's agent, by certified mail to the owner of a motor vehicle within thirty (30)  
8 days of a stop arm camera violation:

9 (a) The stop arm camera violation notice form as described in subsection (2) of  
10 this section;

11 (b) A copy of the recorded images for the stop arm camera violation; and

12 (c) A signed, sworn statement from a law enforcement officer that, based on  
13 inspection of the recorded images, the motor vehicle was being operated in  
14 violation of Section 8 of this Act. This statement may be signed  
15 electronically and is admissible in any proceeding challenging a stop arm  
16 camera violation.

17 (2) The stop arm camera violation notice form shall contain in substance the  
18 following information:

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

20 (b) A statement that the notice represents a determination that a stop arm  
21 camera violation has been committed by the owner of the vehicle and that  
22 the determination shall be final unless contested in accordance with Section  
23 5 of this Act;

24 (c) The date and time of the violation;

25 (d) The location of the violation;

26 (e) The amount of the civil penalty imposed and the date by which the civil  
27 penalty shall be paid;

- 1        (f) Instructions on how to pay the civil penalty to the school district or its  
 2        designated agent;  
 3        (g) Information advising the owner as to the manner and time in which the civil  
 4        penalty may be contested; and  
 5        (h) A warning that failure to pay the civil penalty imposed or to contest the  
 6        matter in a timely manner is an admission of liability and shall result in the  
 7        suspension of the motor vehicle's registration.

8        (3) A recorded image produced by a camera monitoring system shall be destroyed:

- 9        (a) No later than thirty-one (31) days from the date the recorded image is  
 10        captured if the recorded image does not result in a stop arm camera  
 11        violation notice form issued under this section; or  
 12        (b) Upon final disposition of the stop arm camera violation if the recorded  
 13        image results in a stop arm camera violation notice form issued under this  
 14        section.

15        ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO  
 16        READ AS FOLLOWS:

17        (1) A recorded image produced by a camera monitoring system shall be sufficient  
 18        evidence of a violation of Section 8 of this Act and shall be admitted without  
 19        further authentication for the purposes of enforcement. There shall be a  
 20        rebuttable presumption that when any school bus is stopped with its stop arm  
 21        activated it is for the purpose of receiving or discharging passengers, and that the  
 22        school bus signal lights are activated and operational when a recorded image  
 23        includes an electronic indicator signifying activation of signal lights.

24        (2) In a contest to a stop arm camera violation, liability shall be determined by a  
 25        preponderance of the evidence and it shall be a defense that:

26        (a) The motor vehicle or the motor vehicle registration plates were stolen before  
 27        the violation occurred and were not under the control or possession of the

- 1           owner at the time of the violation;
- 2           **(b) The civil penalty is not enforceable because at the time and location of the**
- 3           **violation the stop arm was not activated;**
- 4           **(c) The owner was not operating the vehicle at the time of the violation. An**
- 5           **owner who raises this defense shall identify, under penalty of perjury, the**
- 6           **person who was operating the vehicle at the time of the violation, including**
- 7           **at a minimum the operator's name and address;**
- 8           **(d) The person operating the motor vehicle received a citation from a law**
- 9           **enforcement officer for a violation of Section 8 of this Act at the date and**
- 10           **approximate time listed on the stop arm camera violation form;**
- 11           **(e) The violation was necessary to allow the passage of an emergency vehicle;**
- 12           **or**
- 13           **(f) The violation occurred while the operator was participating in a funeral**
- 14           **procession.**
- 15           **(3) A contest to a stop arm camera violation shall be heard by the District Court, and**
- 16           **the school district and applicable law enforcement agency shall defend the stop**
- 17           **arm camera violation.**
- 18           **(4) A school district may contract for legal services to fulfill the obligations in**
- 19           **subsection (3) of this section.**

20           ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO

21 READ AS FOLLOWS:

- 22           **(1) If a stop arm camera violation civil penalty is not paid or contested in accordance**
- 23           **with Section 5 of this Act within sixty (60) days, the applicable law enforcement**
- 24           **agency or officer may notify the Transportation Cabinet of the nonpayment.**
- 25           **Upon notice of nonpayment, the cabinet shall suspend the registration of the**
- 26           **motor vehicle until the civil penalty is paid.**
- 27           **(2) The applicable law enforcement agency or officer shall notify the cabinet of the**

1        *need to release a suspension levied under this section within one (1) business day*  
2        *of collecting the funds to satisfy the civil penalty.*

3        ➔Section 7. KRS 189.990 is amended to read as follows:

4        (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,  
5        subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to  
6        (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to  
7        (4) of KRS 189.190, KRS 189.200, 189.285, subsection (1) or (2) of KRS 189.290,  
8        189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430, KRS 189.450 to  
9        189.458, KRS 189.4595 to 189.480, subsection (1) of KRS 189.520, KRS 189.540,  
10       KRS 189.570 to 189.590, except subsection (1)(b) or (6)(b) of KRS 189.580, KRS  
11       189.345, subsection (6) of KRS 189.456, and 189.960 shall be fined not less than  
12       twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.  
13       Any person who violates subsection (1)(a) of KRS 189.580 shall be fined not less  
14       than twenty dollars (\$20) nor more than two thousand dollars (\$2,000) or  
15       imprisoned in the county jail for not more than one (1) year, or both, unless the  
16       accident involved death or serious physical injury and the person knew or should  
17       have known of the death or serious physical injury, in which case the person shall  
18       be guilty of a Class D felony. Any person who violates paragraph (c) of subsection  
19       (5) of KRS 189.390 shall be fined not less than eleven dollars (\$11) nor more than  
20       thirty dollars (\$30). Neither court costs nor fees shall be taxed against any person  
21       violating paragraph (c) of subsection (5) of KRS 189.390.

22       (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, any person  
23       who violates the weight provisions of KRS 189.212, 189.221, 189.222,  
24       189.226, 189.230, 189.270, or 189.2713 shall be fined two cents (\$0.02)  
25       per pound for each pound of excess load when the excess is five  
26       thousand (5,000) pounds or less. When the excess exceeds five thousand  
27       (5,000) pounds the fine shall be two cents (\$0.02) per pound for each

1 pound of excess load, but the fine levied shall not be less than one  
2 hundred dollars (\$100) and shall not be more than five hundred dollars  
3 (\$500).

4 2. Any person who violates a posted bridge weight limit on a state-  
5 maintained bridge that is more than seventy-five (75) years old shall be  
6 fined:

7 a. Five hundred dollars (\$500) for the first offense;

8 b. One thousand dollars (\$1,000) for the second offense within a one  
9 (1) year period; and

10 c. Two thousand dollars (\$2,000) for any subsequent offense within a  
11 one (1) year period.

12 The Transportation Cabinet shall erect signs warning drivers of the  
13 increased fines in this subparagraph. Signs erected under this  
14 subparagraph shall be placed in such a manner that drivers are given  
15 adequate warning in order to exit the road prior to crossing the bridge. If  
16 warning signs are not erected in accordance with this subparagraph, the  
17 fines in this subparagraph shall not apply and violators shall be fined  
18 under subparagraph 1. of this paragraph.

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

22 (c) Any person who violates any provision of subsection (2) or (3) of KRS  
23 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,  
24 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which  
25 another penalty is not specifically provided shall be fined not less than ten  
26 dollars (\$10) nor more than five hundred dollars (\$500).

27 (d) 1. Any person who violates the provisions of KRS 177.985 while operating

- 1 on a route designated in KRS 177.986 shall be fined one hundred dollars  
 2 (\$100).
- 3 2. Any person who operates a vehicle with a permit under KRS 177.985 in  
 4 excess of eighty thousand (80,000) pounds while operating on a route  
 5 not designated in KRS 177.986 shall be fined one thousand dollars  
 6 (\$1,000).
- 7 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to  
 8 prejudice or affect the authority of the Department of Vehicle Regulation to  
 9 suspend or revoke certificates of common carriers, permits of contract  
 10 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221  
 11 to 189.228 or any other act applicable to motor vehicles, as provided by law.
- 12 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not  
 13 more than fifteen dollars (\$15).
- 14 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not  
 15 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- 16 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not  
 17 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- 18 (b) Any peace officer who fails, when properly informed, to enforce KRS  
 19 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than  
 20 one hundred dollars (\$100).
- 21 (c) All fines collected under this subsection, after payment of commissions to  
 22 officers entitled thereto, shall go to the county road fund if the offense is  
 23 committed in the county, or to the city street fund if committed in the city.
- 24 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less  
 25 than ~~two~~<sup>one</sup> hundred dollars ~~(\$200)~~<sup>(\$100)</sup> nor more than ~~five~~<sup>two</sup> hundred  
 26 dollars ~~(\$500)~~<sup>(\$200)</sup> or imprisoned not less than thirty (30) days nor more than  
 27 sixty (60) days, or both. For each subsequent offense occurring within three (3)

1 years, the person shall be fined not less than three hundred dollars (\$300) nor more  
2 than one thousand~~[five hundred]~~ dollars (\$1,000)~~[(500)]~~ or imprisoned not less  
3 than sixty (60) days nor more than six (6) months, or both. The minimum fine for  
4 this violation shall not be subject to suspension. A minimum of six (6) points shall  
5 be assessed against the driving record of any person convicted.

6 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars  
7 (\$15) in excess of the cost of the repair of the road.

8 (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than  
9 twenty dollars (\$20) nor more than fifty dollars (\$50).

10 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not  
11 less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).

12 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-  
13 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned  
14 not less than thirty (30) days nor more than twelve (12) months, or both.

15 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-  
16 five dollars (\$35) nor more than one hundred dollars (\$100).

17 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a  
18 Class B misdemeanor.

19 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than  
20 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.

21 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of  
22 this section shall, in the case of a public highway, be paid into the county road fund,  
23 and, in the case of a privately owned road or bridge, be paid to the owner. These  
24 fines shall not bar an action for damages for breach of contract.

25 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not  
26 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each  
27 offense.

- 1 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than  
2 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 3 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than  
4 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 5 (16) Any person who violates restrictions or regulations established by the secretary of  
6 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,  
7 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not  
8 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or  
9 imprisoned for thirty (30) days, or both.
- 10 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty  
11 of a Class B misdemeanor.
- 12 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in  
13 case of violation by any person in whose name the vehicle used in the  
14 transportation of inflammable liquids or explosives is licensed, the person  
15 shall be fined not less than one hundred dollars (\$100) nor more than five  
16 hundred dollars (\$500). Each violation shall constitute a separate offense.
- 17 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for  
18 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor  
19 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days  
20 nor more than thirty (30) days.
- 21 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,  
22 unless the offense is being committed by a defendant fleeing the commission of a  
23 felony offense which the defendant was also charged with violating and was  
24 subsequently convicted of that felony, in which case it is a Class A misdemeanor.
- 25 (20) Any law enforcement agency which fails or refuses to forward the reports required  
26 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.
- 27 (21) A person who operates a bicycle in violation of the administrative regulations

- 1 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)  
2 nor more than one hundred dollars (\$100).
- 3 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred  
4 dollars (\$500) or imprisoned for not more than six (6) months, or both.
- 5 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five  
6 dollars (\$25) nor more than three hundred dollars (\$300).
- 7 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty  
8 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this  
9 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional  
10 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,  
11 or any other additional fees or costs.
- 12 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall ~~not be issued a~~  
13 ~~uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.~~  
14 ~~For a violation on or after July 1, 2009, the person shall~~ be fined thirty dollars  
15 (\$30). This fine shall be subject to prepayment. A fine imposed under this  
16 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional  
17 court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or  
18 any other additional fees or costs. A person who has not been previously charged  
19 with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting  
20 the requirements of KRS 189.125. Upon presentation of sufficient proof of the  
21 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- 22 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an  
23 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to  
24 prepayment. A fine imposed under this subsection shall not be subject to court costs  
25 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee  
26 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- 27 (27) Fines levied pursuant to this chapter shall be assessed in the manner required by

1 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall  
2 be governed by KRS 534.020 and 534.060.

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

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

10 (b) Attendance at a driver improvement clinic established pursuant to KRS  
11 186.574. If the person completes the terms of this diversionary program  
12 satisfactorily the violation shall be dismissed.

13 (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall  
14 be fined two hundred fifty dollars (\$250). The fines and costs for a violation of  
15 subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in  
16 accordance with KRS 24A.180. Once deposited into the State Treasury, ninety  
17 percent (90%) of the fine collected under this subsection shall immediately be  
18 forwarded to the personal care assistance program under KRS 205.900 to 205.920.  
19 Ten percent (10%) of the fine collected under this subsection shall annually be  
20 returned to the county where the violation occurred and distributed equally to all  
21 law enforcement agencies within the county.

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

24 (31) Any person who violates KRS 189.281(5) or (7)(b) shall be subject to a fine of two  
25 hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine  
26 imposed under this subsection shall not be subject to court costs pursuant to KRS  
27 24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to

1 KRS 24A.1765, or any other additional fees or costs.

2 (32) Any person who violates subsection (3) or (4) of KRS 189.290 and causes physical  
3 injury to a person shall be fined five hundred dollars (\$500).

4 ➔Section 8. KRS 189.370 is amended to read as follows:

5 (1) If any school or church bus used in the transportation of children is stopped upon a  
6 highway for the purpose of receiving or discharging passengers, with the stop arm  
7 and signal lights activated, the operator of a vehicle approaching from any direction  
8 shall bring ~~the~~<sup>this</sup> vehicle to a stop and shall not proceed until the bus has  
9 completed receiving or discharging passengers and has been put into motion. The  
10 stop requirement provided for in this section shall not apply to vehicles approaching  
11 a stopped bus from the opposite direction upon a highway of four (4) or more lanes  
12 *divided by an elevated barrier or unpaved median.*

13 (2) ~~Subsection (1) of~~ This section shall be applicable only when the bus displays the  
14 markings and equipment required by Kentucky minimum specifications for school  
15 buses.

16 (3) If any vehicle is witnessed to be in violation of ~~subsection (1) of~~ this section and  
17 the identity of the operator is not otherwise apparent, it shall be a rebuttable  
18 presumption that the person in whose name the vehicle is registered or leased was  
19 the operator of the vehicle at the time of the alleged violation and is subject to the  
20 penalties as provided for in KRS 189.990(5).