

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 7 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 7 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.

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

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

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

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

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

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

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

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

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

7 *(a) The stop arm camera violation notice form as described in subsection (2) of*
8 *this section;*

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

10 *(c) A signed, sworn statement from a law enforcement officer that, based on*
11 *inspection of the recorded images, the motor vehicle was being operated in*
12 *violation of Section 7 of this Act. This statement may be signed*
13 *electronically and is admissible in any proceeding challenging a stop arm*
14 *camera violation.*

15 *(2) The stop arm camera violation notice form shall contain in substance the*
16 *following information:*

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

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

22 *(c) The date and time of the violation;*

23 *(d) The location of the violation;*

24 *(e) The amount of the civil penalty imposed and the date by which the civil*
25 *penalty shall be paid;*

26 *(f) Instructions on how to pay the civil penalty to the school district or its*
27 *designated agent;*

1 (g) Information advising the owner as to the manner and time in which the civil
2 penalty may be contested; and

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

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

7 (a) No later than thirty-one (31) days from the date the recorded image is
8 captured if the recorded image does not result in a stop arm camera
9 violation notice form issued under this section; or

10 (b) Upon final disposition of the stop arm camera violation if the recorded
11 image results in a stop arm camera violation notice form issued under this
12 section.

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

15 (1) A recorded image produced by a camera monitoring system shall be sufficient
16 evidence of a violation of Section 7 of this Act and shall be admitted without
17 further authentication for the purposes of enforcement. There shall be a
18 rebuttable presumption that when any school bus is stopped with its stop arm
19 activated it is for the purpose of receiving or discharging passengers, and that the
20 school bus signal lights are activated and operational when a recorded image
21 includes an electronic indicator signifying activation of signal lights.

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

24 (a) The motor vehicle or the motor vehicle registration plates were stolen before
25 the violation occurred and were not under the control or possession of the
26 owner at the time of the violation;

27 (b) The civil penalty is not enforceable because at the time and location of the

1 violation the stop arm was not activated;

2 (c) The owner was not operating the vehicle at the time of the violation. An
 3 owner who raises this defense shall identify, under penalty of perjury, the
 4 person who was operating the vehicle at the time of the violation, including
 5 at a minimum the operator's name and address;

6 (d) The person operating the motor vehicle received a citation from a law
 7 enforcement officer for a violation of Section 7 of this Act at the date and
 8 approximate time listed on the stop arm camera violation form;

9 (e) The violation was necessary to allow the passage of an emergency vehicle;
 10 or

11 (f) The violation occurred while the operator was participating in a funeral
 12 procession.

13 (3) A contest to a stop arm camera violation shall be heard by the District Court, and
 14 the school district and applicable law enforcement agency shall defend the stop
 15 arm camera violation.

16 (4) A school district may contract for legal services to fulfill the obligations in
 17 subsection (3) of this section.

18 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO
 19 READ AS FOLLOWS:

20 (1) If a stop arm camera violation civil penalty is not paid or contested in accordance
 21 with Section 5 of this Act within sixty (60) days, the applicable law enforcement
 22 agency or officer may notify the Transportation Cabinet of the nonpayment.

23 (2) Upon notice of nonpayment, the cabinet shall:

24 (a) Send a notice of suspension by certified mail with restricted delivery and
 25 return receipt; and

26 (b) Suspend the registration of the motor vehicle until the civil penalty is paid.

27 (3) 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 189.370 is amended to read as follows:

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

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

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

20 ➔Section 8. KRS 189.990 is amended to read as follows:

21 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,
 22 subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to
 23 (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to
 24 (4) of KRS 189.190, KRS 189.200, 189.285, subsection (1) or (2) of KRS 189.290,
 25 189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430, KRS 189.450 to
 26 189.458, KRS 189.4595 to 189.480, subsection (1) of KRS 189.520, KRS 189.540,
 27 KRS 189.570 to 189.590, except subsection (1)(b) or (6)(b) of KRS 189.580, KRS

1 189.345, subsection (6) of KRS 189.456, and 189.960 shall be fined not less than
2 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
3 Any person who violates subsection (1)(a) of KRS 189.580 shall be fined not less
4 than twenty dollars (\$20) nor more than two thousand dollars (\$2,000) or
5 imprisoned in the county jail for not more than one (1) year, or both, unless the
6 accident involved death or serious physical injury and the person knew or should
7 have known of the death or serious physical injury, in which case the person shall
8 be guilty of a Class D felony. Any person who violates paragraph (c) of subsection
9 (5) of KRS 189.390 shall be fined not less than eleven dollars (\$11) nor more than
10 thirty dollars (\$30). Neither court costs nor fees shall be taxed against any person
11 violating paragraph (c) of subsection (5) of KRS 189.390.

12 (2) (a) 1. Except as provided in subparagraph 2. of this paragraph, any person
13 who violates the weight provisions of KRS 189.212, 189.221, 189.222,
14 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents (\$0.02)
15 per pound for each pound of excess load when the excess is five
16 thousand (5,000) pounds or less. When the excess exceeds five thousand
17 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each
18 pound of excess load, but the fine levied shall not be less than one
19 hundred dollars (\$100) and shall not be more than five hundred dollars
20 (\$500).

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

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

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

27 c. Two thousand dollars (\$2,000) for any subsequent offense within a

1 one (1) year period.

2 The Transportation Cabinet shall erect signs warning drivers of the
3 increased fines in this subparagraph. Signs erected under this
4 subparagraph shall be placed in such a manner that drivers are given
5 adequate warning in order to exit the road prior to crossing the bridge. If
6 warning signs are not erected in accordance with this subparagraph, the
7 fines in this subparagraph shall not apply and violators shall be fined
8 under subparagraph 1. of this paragraph.

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

12 (c) Any person who violates any provision of subsection (2) or (3) of KRS
13 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
14 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which
15 another penalty is not specifically provided shall be fined not less than ten
16 dollars (\$10) nor more than five hundred dollars (\$500).

17 (d) 1. Any person who violates the provisions of KRS 177.985 while operating
18 on a route designated in KRS 177.986 shall be fined one hundred dollars
19 (\$100).

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

24 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to
25 prejudice or affect the authority of the Department of Vehicle Regulation to
26 suspend or revoke certificates of common carriers, permits of contract
27 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221

- 1 to 189.228 or any other act applicable to motor vehicles, as provided by law.
- 2 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not
3 more than fifteen dollars (\$15).
- 4 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not
5 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- 6 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not
7 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- 8 (b) Any peace officer who fails, when properly informed, to enforce KRS
9 189.210 shall be fined not less than twenty-five dollars (\$25) nor more than
10 one hundred dollars (\$100).
- 11 (c) All fines collected under this subsection, after payment of commissions to
12 officers entitled thereto, shall go to the county road fund if the offense is
13 committed in the county, or to the city street fund if committed in the city.
- 14 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less
15 than ~~two~~~~one~~ hundred dollars (\$200)~~(\$100)~~ nor more than ~~five~~~~two~~ hundred
16 dollars (\$500)~~(\$200)~~ or imprisoned not less than thirty (30) days nor more than
17 sixty (60) days, or both. For each subsequent offense occurring within three (3)
18 years, the person shall be fined not less than three hundred dollars (\$300) nor more
19 than one thousand~~five hundred~~ dollars (\$1,000)~~(\$500)~~ or imprisoned not less
20 than sixty (60) days nor more than six (6) months, or both. The minimum fine for
21 this violation shall not be subject to suspension. A minimum of six (6) points shall
22 be assessed against the driving record of any person convicted.
- 23 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars
24 (\$15) in excess of the cost of the repair of the road.
- 25 (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than
26 twenty dollars (\$20) nor more than fifty dollars (\$50).
- 27 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not

- 1 less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- 2 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-
- 3 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned
- 4 not less than thirty (30) days nor more than twelve (12) months, or both.
- 5 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-
- 6 five dollars (\$35) nor more than one hundred dollars (\$100).
- 7 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a
- 8 Class B misdemeanor.
- 9 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than
- 10 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- 11 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of
- 12 this section shall, in the case of a public highway, be paid into the county road fund,
- 13 and, in the case of a privately owned road or bridge, be paid to the owner. These
- 14 fines shall not bar an action for damages for breach of contract.
- 15 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not
- 16 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
- 17 offense.
- 18 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than
- 19 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 20 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than
- 21 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 22 (16) Any person who violates restrictions or regulations established by the secretary of
- 23 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,
- 24 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not
- 25 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
- 26 imprisoned for thirty (30) days, or both.
- 27 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty

1 of a Class B misdemeanor.

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

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

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

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

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

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

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

24 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty
25 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this
26 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
27 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,

- 1 or any other additional fees or costs.
- 2 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall ~~not be issued a~~
3 ~~uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.~~
4 ~~For a violation on or after July 1, 2009, the person shall~~ be fined thirty dollars
5 (\$30). This fine shall be subject to prepayment. A fine imposed under this
6 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
7 court costs pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or
8 any other additional fees or costs. A person who has not been previously charged
9 with a violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting
10 the requirements of KRS 189.125. Upon presentation of sufficient proof of the
11 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.
- 12 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an
13 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to
14 prepayment. A fine imposed under this subsection shall not be subject to court costs
15 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee
16 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.
- 17 (27) Fines levied pursuant to this chapter shall be assessed in the manner required by
18 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall
19 be governed by KRS 534.020 and 534.060.
- 20 (28) A licensed driver under the age of eighteen (18) charged with a moving violation
21 pursuant to this chapter as the driver of a motor vehicle may be referred, prior to
22 trial, by the court to a diversionary program. The diversionary program under this
23 subsection shall consist of one (1) or both of the following:
- 24 (a) Execution of a diversion agreement which prohibits the driver from operating
25 a vehicle for a period not to exceed forty-five (45) days and which allows the
26 court to retain the driver's operator's license during this period; and
- 27 (b) Attendance at a driver improvement clinic established pursuant to KRS

1 186.574. If the person completes the terms of this diversionary program
2 satisfactorily the violation shall be dismissed.

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

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

14 (31) Any person who violates KRS 189.281(5) or (7)(b) shall be subject to a fine of two
15 hundred fifty dollars (\$250). This fine shall be subject to prepayment. A fine
16 imposed under this subsection shall not be subject to court costs pursuant to KRS
17 24A.175, additional costs pursuant to KRS 24A.176, the fee imposed pursuant to
18 KRS 24A.1765, or any other additional fees or costs.

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