

school bus KRS 189.370(1). Three hundred dollars (\$300) for the first offense and \$500 dollars for each additional civil penalty issued within a three year period.

Unless the violation has been dismissed, the civil penalty must be paid within 30 days otherwise, the cabinet shall suspend the registration of the vehicle until the fine is paid.

The legislation requires that eighty percent of the funds (fines) collected by the cabinet, shall remain with the local school district to offset the costs of the cameras, processing of alleged violations. Third-party designees may retain no more than 80 percent of the funds collected (if collected by the third-party designee), capped at \$240 dollars.

The legislation amends KRS 189.990 to designate that the fines and costs for a violation of KRS 189.370 shall be collected and 80% distributed to the school district in which the violation occurred for purchase, installation, operation, and maintenance of school bus stop arm cameras; 10% to the Kentucky Department of Education for the promotion of school bus safety; and 10% to the law enforcement agency that issues the citation. 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.

It is anticipated, most school districts will contract with a third-party contractors to perform these activities. These contractors will generally be companies that offer photo enforced camera operations.

It is possible that a local school district could chose to acquire and install these cameras themselves and then contract with local law enforcement to review and process alleged violations, including issuing citations and collection of funds. This could generate funding resources for local law enforcement agencies but the amount would have to be negotiated with the school district on the portion of the eighty percent they would receive.

Local law enforcement could see an increase in revenue due to receipt of the 10% of fines collected due to violations of KRS 189.370.

According to data in the fiscal note to HB 34, Kentucky Court of Justice (Administrative Office of the Courts) indicated that statewide, the average of fines collected over the past ten years for illegally passing a school bus with a stop arm extended, is approximately \$14,000. If stop arm cameras double or even triple the amount of fines collected, increased revenue potentially shared with local law enforcement will be minimal. **The fiscal impact of this legislation on local law enforcement is indeterminate and would be minimal.**

Part III: Differences to Local Government Mandate Statement from Prior Versions

The impact to local law enforcement for the HB 34 HCS 1 is the same as the fiscal impact to HB 34 as introduced.

HCS 1 retains all the provisions of the original bill except to **remove** the requirement that each school district be **required** to utilize stop arm cameras. HCS 1 also **increases** the civil penalty for the first offense from \$200 dollars to \$300 dollars which subsequently increases the maximum amount retained by a third-party from \$160 dollars to \$240 dollars.

Data Source(s): LRC Staff

Preparer: Mark Offerman **Reviewer:** KHC **Date:** 1/29/20