

citation must include specifics of the violation, and instructions on how to pay or contest the civil citation. The legislation establishes civil penalties for violations of passing a stopped school bus with an extended stop arm of three hundred dollars (\$300) for the first offense and \$500 dollars for each additional civil penalty issued within a three year period.

Within 60 days from the date of the uniform civil citation, a person must pay the civil penalty or elect to contest the citation, otherwise, the cabinet shall suspend the registration of the vehicle until the fine is paid.

The funds collected by the cabinet for a civil penalty levied in accordance with this legislation shall be collected and disposed of in accordance with KRS 24A.180. Eighty percent of the funds shall be retained by the cabinet. Ten percent of the funds will be forwarded to the school district in which the violation occurred. Ten percent shall be forwarded to the Kentucky Department of Education for promotion of school bus safety and other transportation costs.

Third-party designees may also collect fines levied in accordance with this legislation. Third-party designees may retain no more than 80 percent of the funds collected, capped at \$240 dollars. The remainder of the funds shall be deposited into the general fund with ten percent of the funds sent to the Kentucky Department of Education and ten percent to the Transportation Cabinet. Any remaining funds shall be sent to the school district where the violation occurred.

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. Additionally, 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

HB 34 GA retains the provisions of HB 34 HCS 1 and is inclusive of HFA 1. The impact to local law enforcement for HB 34 HCS 1 as amended by HFA 1 is the same as the fiscal impact to HB 34 as introduced.

HFA 1 retains all the original provisions of HCS 1 except for the following:

- Permits the Transportation Cabinet to contract with a third-party for processing and enforcement of stop arm camera violations;
- Requires notice of a uniform civil citation for a stop arm camera violation be sent by certified mail;
- Increases the time to pay a civil penalty from 30 days to 60 days;
- Prohibits the cabinet from entertaining a contest to or defending an appeal of a uniform civil citation issued by a third-party;
- Permits an appeal of a contest to a uniform civil citation to be brought in the District Court of the county of the offense instead of Franklin County;
- Reduces the percentage a school district receives from a civil penalty collected by the cabinet from 80% to 10%;
- Increases the percentage the cabinet receives from collected civil penalties collected by the cabinet from 10% to 80%.

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:** 2/10/20