

recording violations of KRS 189.370—passing a stopped school or church bus. School districts are permitted to contract with a private vendor for the installation and maintenance of the equipment. County government is permitted to enter into an interlocal agreement to implement and enforce such ordinances.

Section 3 allows the legislative body of the county to set the amount of the civil penalty for a stop arm camera violation but shall not exceed \$300 for the first civil penalty and \$500 for each subsequent civil penalty issued within a three-year period. All revenue generated from a civil penalty shall be retained by the county;

Section 4 requires that an ordinance adopted in accordance with this legislation, include specific processes and documentation that must be utilized in issuing a violation.

Section 5 defines the procedures to contest a stop arm camera violation and establishes defenses. It requires a recipient of a stop arm camera violation to pay the fine or contest the violation within 60 days. In counties with a code enforcement board, a contest to a stop arm camera violation shall be conducted in accordance with KRS 65.8825-65.8831 (Code Enforcement Boards) which detail procedures for enforcement proceedings, hearings, hearing officer duties, and appeals. In counties without a code enforcement board, the District Court shall conduct the hearing and the County Attorney will defend the violation. Court cost may be deducted from funds paid to the county.

Section 6 allows for suspension of vehicle registration for failure to pay a fine within 60 days. Counties will notify the Transportation Cabinet to release a suspension within one business day of collecting the funds to satisfy the civil penalty.

Section 7 amends KRS 189.990 to raise the maximum fine of \$300 for the first offense of passing a stopped school or church bus while the stop arm and signal lights are activated.

Section 8 amends KRS 189.370 to add language requiring that when a school bus is stopped upon a highway of four lanes or more and is not divided by an elevated barrier or an unpaved median, traffic must stop in both directions.

The overall fiscal impact to local government is not determinable, expected to be positive but not significant.

Local law enforcement is likely to see an increase in revenue due to receiving all of the civil penalty revenue for stop arm camera violations less court costs.

According to data from the Administrative Office of the Courts for fiscal year 2020, local law enforcement issued 362 citations for violation of KRS 189.370 which resulted in 138 convictions.

Local governments that choose to create ordinances will incur costs associated with the drafting, publication, indexing and recording of adopted ordinances, and at least every five years, review and eliminate redundant, obsolete, inconsistent, and invalid provisions.

According to Kentucky League of Cities, most cities, especially the smaller ones, retain their city attorney on contract and pay on an hourly basis. Time spent drafting an ordinance is influenced by its complexity and the amount of research that is necessary. In FY 2020, the average hourly rate was \$107. Rates for legal notices vary greatly depending on the length of the publication, the number of times it needs to be published and the newspaper in which the publication is placed. Therefore, these costs are unknown.

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

The fiscal impact of HB 189 GA remains unchanged from the original impact to HB 189 as introduced.

HB GA makes technical corrections to conform

Data Source(s): LRC Staff, Kentucky League of Cities, Administrative Office of the Courts

Preparer: Mark Offerman **Reviewer:** KHC **Date:** 2/25/21