

KRS 189.370—passing a stopped school or church bus. School districts will be permitted to contract with a private vendor for the installation and maintenance of the equipment. The legislation incorporates a minimum 30-day public comment period from the date the terms of an interlocal agreement are set and made available to the public. The interlocal agreement shall include the following provisions:

- That the stop arm camera violation shall be enforced by a law enforcement authority;
- Establish clear requirements for record keeping, retention, and deletion, so as to properly secure any recorded images and other records as private information;
- That during the first 30 days of operation, written warnings shall be issued for a violation rather than a uniform civil citation;
- Include terms specifying the manner in which the revenue generated from a civil penalty for stop arm camera violation is to be distributed by the county.

The enacted ordinance from **subsection 1** shall also require that each school bus with a camera monitoring system display a warning sign notifying the public of the camera monitoring system.

Section 3 allows the legislative body of the county to set the amount of the civil penalty for a stop arm camera violation. The civil penalty shall not exceed \$300 for the first violation and \$500 for each subsequent violation within a three-year period. All revenue generated from a civil penalty shall be retained by the county less any required court costs. If the county entered into an interlocal agreement for the purposes of implementing and enforcing an ordinance in accordance with **Section 2**, the revenue generated from a civil penalty for stop arm camera violation is to be distributed according to the terms of the interlocal agreement.

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. It also requires that an image recorded by a stop arm camera be destroyed no later than 31 days from the date the recorded image is captured if the image does not result in a violation, or upon final disposition of the violation.

Section 5 establishes that a recorded image from a stop arm camera is sufficient evidence for purposes of enforcement of a violation of an ordinance adopted pursuant to **Section 2**. Stop arm camera evidence shall not be admissible for any other purpose in any civil or criminal proceeding. It defines the procedures to contest a stop arm camera violation and establishes defenses. It requires a violator of a stop arm camera ordinance pay the fine or contest the violation within 60 days. In counties with a code enforcement board, a contest of a stop arm camera violation established by this legislation 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 for the first offense of passing a stopped school or church bus while the stop arm and signal lights are activated, to \$300. It also removes the provision for issuing a courtesy warning for violations of KRS 189.125(3)(b) which requires use of seat belts, child restraint systems and child booster seats.

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.

Section 9 amends KRS 64.090 to allow sheriff offices that collect the civil penalty for a stop arm camera violation to retain a \$25 fee pursuant to the interlocal agreement as allowed in **Section 2**.

Section 10 permits this Act to be cited as the Randall Scott Combs Act.

The fiscal impact to county government is not determinable, expected to be positive but not significant. According to data from the Administrative Office of the Courts for fiscal year 2021, local law enforcement issued 168 citations for violation of KRS 189.370, which resulted in 50 convictions. Local governments may see a slight increase in revenue due to receiving the civil penalty revenue for stop arm camera violations less any court costs and fees to sheriff offices. Likewise for sheriff offices.

Local governments that choose to create ordinances will incur costs associated with the drafting, publication, indexing and recording of adopted ordinances. 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. Proposed ordinances must be published; rates for publishing of 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

Part II above, pertains to HB 221 GA as amended by the Senate Committee Substitute. The fiscal impact of SCS 1 is unchanged from the GA version.

SCS 1 adds that during the first 30 days of operation, written warnings shall be issued for a violation rather than a uniform civil citation. It also adds Section 10 permitting this Act to be cited as the Randall Scott Combs Act.

The changes brought by the GA version include:

- Section 2 Requires a minimum 30-day public comment period before entering into an interlocal agreement for the implementation and enforcement of this act. It requires the stop arm camera violation be enforced by law enforcement. Record keeping requirements are established as well as a requirement for warning signs be placed on all buses with a stop arm camera.
- Section 4 Adds the requirement that a stop arm camera recorded image shall be destroyed no later than 31 days from the date the recorded image is captured if the image does not result in a violation or upon final disposition of the violation.
- Section 5 Establishes that a recorded image from a stop arm camera is sufficient evidence for purposes of enforcement of a violation of an ordinance adopted pursuant to Section 2 but shall not be admissible for any other purpose in any civil or criminal proceeding. The GA also adds the following as additional permitted defenses:
- The violation was necessary to allow passage of an emergency vehicle;
 - The violation was necessary to avoid injuring a person or property of another;
 - The violation occurred while participating in a funeral procession; or
 - The violation was necessary in order for the operator to comply with any other general statute or regulation concerning the operation of a motor vehicle.

The fiscal impact of HCS 1 remains the same as the original impact.

HCS 1 permits sheriff offices to charge and collect a \$25 fee for every stop arm camera violation it collects.

Data Source(s): Administrative Office of the Courts, Kentucky League of Cities, Kentucky Municipal Statutory Law, Informational Bulletin No. 145, Revised September 2021

Preparer: MJO (ms) **Reviewer:** KHC **Date:** 3/28/22