

HOUSE BILL No. 2532

By Committee on Judiciary

1-30

1 AN ACT concerning school buses; relating to the illegal passing of school
2 buses; authorizing the department of education to contract with private
3 vendors for the installation and operation of stop signal arm video
4 recording devices; procedures; violations; civil penalties; annual report
5 to the legislature.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. (a) (1) The department of education shall create policies
9 and procedures to contract with a private vendor for the installation,
10 operation and maintenance of stop signal arm video recording devices, to
11 capture motor vehicles operating in violation of K.S.A. 2019 Supp. 8-
12 1556, and amendments thereto, and to allow the department of education
13 to assess civil penalties pursuant to this section.

14 (2) Before allowing a private vendor to install stop signal arm video
15 recording devices on school buses, the board of education of a school
16 district shall adopt a resolution specifying the board's intent to work with
17 the private vendor designated by the department of education to capture
18 motor vehicles operating in violation of K.S.A. 2019 Supp. 8-1556, and
19 amendments thereto, and to allow the department of education to assess
20 civil penalties pursuant to this section. A resolution adopted pursuant to
21 this subsection shall require a majority vote of the members of the board of
22 education.

23 (3) An agreement between the department of education and a private
24 vendor pursuant to this subsection shall:

25 (A) Specify the compensation owed to the vendor for the installation,
26 operation and maintenance of the stop signal arm video recording devices
27 and the cost of the equipment and for the expenses associated with any
28 other services necessary for the operation of stop signal arm video
29 recording devices; and

30 (B) contain data reporting requirements that the private vendor shall
31 provide to the department of education, including the total number of
32 notices issued as a result of a violation captured and recorded by the stop
33 signal arm video recording device and the total amount of civil penalties
34 issued from such notices.

35 (4) Civil penalties collected pursuant to this section shall be remitted
36 by the department of education to the state treasurer in accordance with the

1 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
2 each such remittance, the state treasurer shall credit the entire amount to
3 the school bus safety and education fund, which is hereby created in the
4 state treasury and shall be administered by the department of education.
5 Expenditures from the school bus safety and education fund may be made
6 for the purposes of covering expenses for work by a private vendor related
7 to the installation, operation and maintenance of stop signal arm video
8 recording devices, verifying violations captured by stop signal arm video
9 recording devices, educating the public on the dangers of violating K.S.A.
10 2019 Supp. 8-1556, and amendments thereto, and to alert the public of the
11 consequences for violations captured by stop signal arm video recording
12 devices. All expenditures from the school bus safety and education fund
13 shall be made in accordance with appropriation acts upon warrants of the
14 director of accounts and reports issued pursuant to vouchers approved by
15 the department of education or the department of education's designee.

16 (b) (1) Whenever a violation of K.S.A. 2019 Supp. 8-1556, and
17 amendments thereto, is detected by the private vendor from recorded
18 images captured by a stop signal arm recording device, the alleged
19 violation shall be forwarded to the department of education and reviewed
20 and verified by an official designated by the department of education.

21 (2) The information reviewed by the department of education's
22 designated official to verify alleged violations pursuant to subsection (b)
23 (1) shall include the following:

24 (A) Recorded images of the alleged violation;
25 (B) the location where the alleged violation occurred;
26 (C) an image of the vehicle involved in the alleged violation; and
27 (D) an image of the registration plate for the vehicle involved in the
28 alleged violation.

29 (3) Recorded images showing a vehicle operating in violation of
30 K.S.A. 2019 Supp. 8-1556, and amendments thereto, shall be prima facie
31 evidence that a violation occurred.

32 (4) If the department of education official verifying an evidence file
33 determines that a violation of K.S.A. 2019 Supp. 8-1556, and amendments
34 thereto, has occurred, a notice of violation shall be issued by the
35 department of education to the registered owner of the vehicle in the
36 recorded images. A notice of violation shall be sent to the registered
37 vehicle owner's last known address by first class mail within 14 calendar
38 days from the date the violation occurred. Such notice shall include:

39 (A) The information collected pursuant to subsection (b)(2);
40 (B) the amount of the civil penalty and the date by which such
41 penalty shall be paid;

42 (C) a signed affidavit by the party who verified the violation from the
43 evidence file;

1 (D) information advising the registered owner on the appeal process
2 to contest the captured violation; and

3 (E) a warning listing additional penalties for failure to pay the civil
4 penalty or file an appeal in a timely manner.

5 (c) (1) The penalty for a violation of K.S.A. 2019 Supp. 8-1556, and
6 amendments thereto, recorded by a stop signal arm video recording device
7 shall be a civil penalty of \$250.

8 (2) If the registered owner of a vehicle fails to pay the civil penalty
9 for a violation of K.S.A. 2019 Supp. 8-1556, and amendments thereto,
10 captured by a stop signal arm video recording device, the department of
11 education is authorized to inform the division of vehicles of such failure.
12 The division of vehicles may be instructed by the department of education
13 to require payment of any civil penalties due and owing to the department
14 of education at the time of registration or renewal of registration or
15 otherwise to refuse to register or renew the registration of the vehicle, as
16 set forth in K.S.A. 8-173, and amendments thereto, of the registered owner
17 or owners, until those civil penalties are paid to the satisfaction of the
18 department of education.

19 (3) The registered owner of a vehicle is presumed to be the driver
20 responsible for any violation of K.S.A. 2019 Supp. 8-1556, and
21 amendments thereto, captured by a stop signal arm video recording device.
22 The registered owner of a vehicle may contest that such owner was the
23 driver of the vehicle by appealing the notice of violation to the department
24 of education within 15 business days and providing sufficient evidence for
25 an available defense. Defenses available for the registered owner include
26 that:

27 (A) At the time of the violation, the vehicle was stolen;

28 (B) at the time of the violation, the registration plate or registration
29 decal for the vehicle was stolen;

30 (C) the registered owner of the vehicle was already charged with a
31 traffic infraction for violation of K.S.A. 2019 Supp. 8-1556, and
32 amendments thereto, for the same incident; or

33 (D) at the time of the violation, the vehicle was sold or the registered
34 owner otherwise no longer owned the vehicle.

35 (4) Upon receipt of a contest from the registered owner, the
36 department of education shall investigate the contest and within 30
37 business days shall either dismiss the violation or confirm the violation. A
38 registered owner may thereafter pay the specified civil penalty or contest
39 the findings and conclusions of the department of education by requesting
40 an administrative hearing within 15 business days of receipt of the notice
41 of violation pursuant to the Kansas administrative procedure act.

42 (A) The administrative hearing shall be conducted in accordance with
43 the provisions of the Kansas administrative procedure act.

1 (B) Any party may appeal the administrative hearing order to the
2 district court in accordance with the provisions of the Kansas judicial
3 review act.

4 (d) (1) Recorded images made for purposes of this section shall be
5 released by the department of education or private vendor to the following:

6 (A) The registered owner of the vehicle captured in the recorded
7 images, upon request by such owner;

8 (B) a court or person as directed by a valid court order or subpoena;
9 or

10 (C) a Kansas law enforcement agency for investigation purposes
11 connected with alleged violations of K.S.A. 2019 Supp. 8-1556, and
12 amendments thereto, upon request by such agency.

13 (2) Recorded images that capture no violation of K.S.A. 2019 Supp.
14 8-1556, and amendments thereto, shall be retained for no longer than 28
15 business days. After 28 business days, the recorded images showing no
16 violation shall be destroyed or disposed of by the department of education
17 or private vendor responsible for identifying violations. Recorded images
18 that capture violations of K.S.A. 2019 Supp. 8-1556, and amendments
19 thereto, shall be retained by the party responsible for issuing notices of
20 violations until the case is closed. At such time the case is closed, recorded
21 images of the violation shall be destroyed or disposed of.

22 (3) Recorded images made for purposes of this section shall not be
23 subject to the open records act, K.S.A. 45-215 et seq., and amendments
24 thereto. The provisions of this paragraph shall expire on July 1, 2025,
25 unless the legislature reviews and reenacts this provision pursuant to
26 K.S.A. 45-229, and amendments thereto, prior to July 1, 2025.

27 (e) The department of education shall make an annual report to the
28 legislature detailing the total number of violations captured, the total
29 number of notices issued and the total amount of civil penalties collected
30 from such violations. The reports shall be published on the department of
31 education's website with a link to such reports.

32 (f) As used in this section:

33 (1) "Closed" means when the payment of the civil penalty has been
34 satisfied, the penalty or violation has been barred, the time for appeal has
35 expired or when all appeals have been terminated.

36 (2) "Recorded images" means photographic, digital or video images
37 recorded by a stop signal arm video recording device that provide:

38 (A) A clear view of a vehicle passing a school bus on either side;

39 (B) the date and time the recording was made; and

40 (C) an electronic symbol confirming the activation of amber lights,
41 flashing red lights, stop signal arms fully extended and brakes.

42 (3) "Stop signal arm video recording device" means a camera or
43 cameras installed on a school bus stop signal arm that is capable of

1 producing recorded images.

2 Sec. 2. This act shall take effect and be in force from and after its

3 publication in the statute book.