

2010 -- H 7422

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- SCHOOL BUS SAFETY
ENFORCEMENT

Introduced By: Representatives JP O'Neill, Ucci, Petrarca, Melo, and Silva

Date Introduced: February 09, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 31-51-2, 31-51-3, 31-51-5 and 31-51-7 of the General Laws in
2 Chapter 31-51 entitled "School Bus Safety Enforcement" are hereby amended to read as follows:

3 **31-51-2. Live digital video school bus violation detection monitoring systems.** -- (a)

4 All school departments of this state are hereby authorized to install and operate live digital video
5 school bus violation detection monitoring systems. Such systems shall at a minimum, be systems
6 which monitor and detect school bus traffic violations. For purposes of this chapter a live digital
7 video school bus violation detection monitoring system means a system with one or more camera
8 sensors and computers which produce live digital and recorded video of motor vehicles being
9 operated in violation of school bus traffic laws. All systems installed for used under this chapter
10 must, at a minimum, produce a live visual image viewable remotely, a recorded image of the
11 license plate, and be able to record the time, date, and location of the vehicle, and a signed
12 affidavit by a person who witnessed the violation via live video.

13 (b) The school departments may enter into an agreement with a private corporation or
14 other entity to provide live digital video school bus violation detection monitoring systems and to
15 maintain and operate such systems. ~~Compensation to the private entity that provides such a~~
16 ~~system and related support service shall not be based on the revenue generated by the system.~~
17 ~~Compensation to the vendor of the system shall be based on the expense of the services and the~~
18 ~~equipment provided by the vendor of the system. The school department may enter into an~~

1 ~~agreement for purposes of reimbursement of expenses to the vendor for the installation, operation~~
2 ~~and maintenance of the live digital video school bus detection and monitoring systems within its~~
3 ~~municipality. Notwithstanding the terms and conditions contained in any such agreement,~~
4 ~~reimbursement shall be made from ticket revenue proceeds from paid violations, as allocated~~
5 ~~pursuant to section 31-51-5.~~

6 **31-51-3. Procedure -- Notice.** -- (a) Except as expressly provided in this chapter, all
7 prosecutions based on evidence produced by a live digital video school bus violation detection
8 monitoring system shall follow the procedures established in chapter 41.1 of this title, chapter 8-
9 18 of the general laws and the rules promulgated by the chief magistrate of the traffic tribunal for
10 the hearing of civil traffic violations in the traffic tribunal. Provided, that in an action brought
11 pursuant to the provisions of this chapter, references in chapter 31-41.1 to an “operator” shall
12 apply to the registered owner of the vehicle. ~~Citations~~ A summons may be issued by an officer
13 solely based on evidence obtained by use of a live digital video school bus violation detection
14 monitoring system. All ~~Citations~~ summons issued based on evidence obtained from a live digital
15 video school bus violation detection monitoring system shall be issued within ~~seven (7)~~ ten (10)
16 days of the violation. Notwithstanding any provisions of the general laws to the contrary,
17 exclusive jurisdiction to hear and decide any violation under this chapter shall be with the traffic
18 tribunal.

19 (b) It shall be sufficient to commence a prosecution based on evidence obtained from a
20 live digital video school bus violation detection monitoring system. A copy of the ~~citation~~
21 summons and supporting documentation shall be mailed to the address of the registered owner
22 kept on file by the registry of motor vehicles ~~pursuant to section 31-3-34 of the general laws.~~ For
23 purposes of this section, the date of issuance shall be the date of mailing.

24 (c) The officer issuing the citation shall certify under penalties of perjury that the
25 evidence obtained from the live digital video school bus violation detection monitoring system
26 was sufficient to demonstrate a violation of the motor vehicle code. Such certification shall be
27 sufficient in all prosecutions pursuant to this chapter to justify the entry of a default judgment
28 upon sufficient proof of actual notice in all cases where the citation is not answered within the
29 time period permitted.

30 ~~-(d) The citation shall contain all the information provided for on the uniform summons~~
31 ~~as referred to in section 31-41.1-1 of the general laws and the rules of procedure promulgated by~~
32 ~~the chief magistrate of the traffic tribunal for the traffic tribunal, as well as the date, time and~~
33 ~~location of the violation.~~

34 ~~-(e) In addition to the information in the uniform summons, the following information~~

1 ~~shall be attached to the citation as evidence:~~

2 ~~-(i) Copies of two (2) or more photographs, or microphotographs, videos, or other~~
3 ~~recorded images taken as proof of the violation;~~

4 ~~-(ii) A signed statement by a trained law enforcement officer that, based on inspection of~~
5 ~~recorded images and video, the motor vehicle was being operated in violation of section 31-20-~~
6 ~~12;~~

7 ~~-(iii) A statement that recorded images are evidence of a violation of this chapter; and~~

8 ~~-(iv) A statement that the person who receives a summons under this chapter may either~~
9 ~~pay the civil penalty in accordance with the provisions of section 31-20-12, or elect to stand trial~~
10 ~~for the alleged violation; and~~

11 ~~-(v) A signed affidavit by a person who witnessed live the motor vehicle being operated~~
12 ~~in violation of section 31-20-12.~~

13 (d) The summons shall contain all the information provided for on the uniform summons
14 as referred to in section 31-41.1-1 of the general laws and the rules of procedure promulgated by
15 the chief magistrate of the traffic tribunal as well as the date, time and location of the violation. In
16 addition, the following information shall be attached to or accompany the summons:

17 (i) Copies of two (2) or more photographs, or microphotographs, videos, or other
18 recorded images taken as proof of the violation;

19 (ii) A signed statement certified under the penalties of perjury by a trained law
20 enforcement officer that, based on inspection of recorded images and video, the motor vehicle
21 was being operated in violation of this chapter;

22 (iii) A statement that recorded images are evidence of a violation of this chapter;

23 (iv) A statement that the person who receives a summons under this chapter may either
24 pay the civil fine in accordance with the provisions of section 31-51-2.2, proceed under
25 subdivision 31-51-5(c)(ii), or elect to stand trial for the alleged violation;

26 (v) A signed affidavit by a person who witnessed the motor vehicle being operated in
27 violation of this chapter; and

28 (vi) A signed statement certified under the penalties of perjury by a trained law
29 enforcement officer that the summons and attachments required under this subsection were
30 mailed to the address of the registered owner kept on file by the registry of motor vehicles.

31 (e) Any summons issued pursuant to this chapter shall be issued by a law enforcement
32 officer authorized to issue a traffic violation summons pursuant to title 31 of the general laws.

33 **31-51-5. Driver/registered owner liability Registered owner/operator liability. -- (a)**

34 The registered owner of the motor vehicle shall ~~be primarily responsible in all prosecutions~~

1 ~~brought pursuant to the provisions of this chapter except as otherwise provided in this section.~~

2 ~~-(b) In all prosecutions of civil traffic violations based on evidence obtained from a live~~
3 ~~digital video school bus violation detection monitoring system, the registered owner of a vehicle~~
4 ~~which has been operated in violation of a civil traffic violation, may be liable for such violation.~~
5 ~~The registered owner of the vehicle may assume liability for the violation by paying the fine; or~~
6 ~~by defending the violation pursuant to the procedures in section 31-41.2-4.~~

7 ~~-(c) The revenue generated from each fine hereunder shall be allocated as follows: (1)~~
8 ~~seventy five percent (75%) to the vendor; (2) twelve and one half percent (12.5%) to the state~~
9 ~~general fund; (3) twelve and one half percent (12.5%) to the municipality;~~

10 ~~-(d) The lessee of a leased vehicle shall be considered the owner of a motor vehicle for~~
11 ~~purposes of this chapter. not operate, or allow the motor vehicle to be operated in violation of this~~
12 ~~chapter. There shall be a rebuttable presumption that the registered owner of the vehicle that is~~
13 ~~photographed pursuant to this chapter was operating the vehicle.~~

14 (b) In all prosecutions of civil traffic violations based on evidence obtained from a live
15 digital video school bus violation detection monitoring system as provided under this chapter, the
16 registered owner of the vehicle shall be primarily responsible in all prosecutions of violations
17 pursuant to the provisions of this chapter, except as otherwise provided under this chapter.

18 (c) In the event that the registered owner of the vehicle operated in violation of this
19 chapter was not the operator of the vehicle at the time of the violation, the registered owner shall
20 either: (i) Accept responsibility of the violation by paying the fine; or (ii) Upon receipt of the
21 notice of the violation, provide the issuing authority, within twenty (20) days of the date of
22 issuance, the name and address of the operator of the vehicle who was operating the vehicle at the
23 time which the violation occurred.

24 (d) It shall be prima facie evidence, establishing a rebuttable presumption, that the owner
25 of the registered motor vehicle was the operator of the vehicle at the time of the violation if the
26 registered owner of the motor vehicle fails to pay the fine and fails to proceed under paragraph (c)
27 (ii) of this section. Evidence offered pursuant to this chapter shall be sufficient to establish a
28 violation of section 31-51-2.2 by clear and convincing evidence.

29 (e) The owner of a rented or leased motor vehicle may establish non-liability for
30 violations issued pursuant to this chapter by providing to the issuing authority a copy of a written
31 rental or a lease agreement which shall be prima facie evidence, establishing a rebuttable
32 presumption, that the lessee was the operator of the vehicle. In the event that the lessee was not
33 the operator of the motor vehicle at the time of the violation, the lessee shall either: (i) Accept
34 responsibility of the violation by paying the fine; or (ii) Upon receipt of the notice of the

1 violation, provide the issuing authority, within twenty (20) days of the date of issuance, the name
2 and address of the operator of the vehicle who was operating the vehicle at the time which the
3 violation occurred.

4 **31-51-7. Nature of violations.** -- Notwithstanding any other provision of law:

5 (a) No violation for which a civil ~~penalty~~ fine is imposed under this chapter shall be
6 considered a moving violation, nor shall be included on the driving record of the person on whom
7 the liability is imposed, nor shall it be used for insurance rating purposes in providing motor
8 vehicle insurance coverage.

9 (b) Impositions of a ~~penalty~~ fine pursuant to this chapter shall not be deemed a criminal
10 conviction of an owner or operator;

11 (c) The "good driving ~~statement~~" record" provisions of section 31-41.1-7 ~~may~~ shall not
12 be used to dismiss an action brought pursuant to this chapter.

13 SECTION 2. Chapter 31-51 of the General Laws entitled "School Bus Safety
14 Enforcement" is hereby amended by adding thereto the following sections:

15 **31-51-2.2. Stopping for school bus required -- penalty for violation.** – (a) Any vehicle
16 being operated upon a street, highway, private way, private or public parking area upon meeting
17 or overtaking from any direction any school bus on which there is in operation flashing red lights,
18 shall stop before reaching the bus. The vehicle shall not proceed until the bus resumes motion or
19 until the flashing lights are no longer actuated. No motor vehicle, except emergency vehicles on
20 official business, shall travel in the same lane of traffic behind a school bus at a distance of less
21 than fifty feet (50'). An owner and/or operator of a motor vehicle operated in violation of this
22 section based on evidence obtained from a live digital video school bus violation detection
23 monitoring system shall, upon conviction of a violation of this section, be punished by a civil fine
24 of three hundred dollars (\$300), and/or suspension of his or her driving license for a period not to
25 exceed thirty (30) days.

26 (b) A law enforcement officer authorized to issue a traffic violation summons pursuant to
27 title 31 of the general laws may issue a summons of a violation of this chapter based on:

28 (1) Evidence from a live digital video school bus violation detection monitoring system;
29 provided, that the statement or testimony or evidence provides the law enforcement officer with
30 sufficient probable cause that a violation under this section was committed. The summons shall
31 be in the form referred to in section 31-51-3.

32 **31-51-5.1 Revenue.** – The revenue generated from each fine imposed pursuant to this
33 chapter shall be allocated as follows:

34 (1) Seventy-five percent (75%) to the vendor;

- 1 (2) Twelve and one-half percent (12.5%) to the state general fund; and
- 2 (3) Twelve and one-half percent (12.5%) to the municipality where the violation takes
- 3 place.

4 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO MOTOR AND OTHER VEHICLES -- SCHOOL BUS SAFETY
ENFORCEMENT

1 This act would amend the provisions regarding the prosecution of the school bus safety
2 enforcement chapter. More specifically, the act clarifies the procedures to be used against the
3 owner and/or operator of a vehicle alleged to have failed to stop, or otherwise to have passed a
4 school bus, where such allegation is based upon evidence obtained from a live digital video
5 school bus violation detection monitoring system.

6 This act would take effect upon passage.

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