

HOUSE BILL 268

By Hill M

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 21 and Title 55, Chapter 8, relative to installing cameras on school buses to monitor certain violations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-8-151, is amended by adding the following as a new subsection (c) and redesignating the present subsection (c) and the remaining subsections accordingly:

(c)

(1) Any local education agency (LEA) may purchase, install, operate, and maintain cameras on the exterior of school buses, or may enter into a contract with a private vendor to purchase, install, operate, and maintain cameras on the exterior of school buses on behalf of the LEA, for the purpose of recording images of motor vehicles that are in violation of subdivision (a)(1) for failing to stop upon approaching a school bus.

(2) An LEA that allows cameras on the exterior of school buses shall create procedures for school bus drivers to submit information that an alleged violation of subdivision (a)(1) has occurred. The procedures shall require a school bus driver to provide the date, location, and time of the alleged violation to the LEA and shall require the school bus driver to provide a signed statement that the school bus driver witnessed the alleged violation.

(3) An LEA shall not submit evidence from a camera to local law enforcement officers without the information provided by a bus driver in accordance with subdivision (c)(2).

(4) Only POST-certified or state-commissioned law enforcement officers are authorized to review evidence from a camera and make a determination as to whether a violation of subdivision (a)(1) has occurred. Review of camera evidence is limited to footage of the alleged violation occurring at the date and time provided by a bus driver in accordance with subdivision (c)(2).

(5)

(A) A first violation of subdivision (a)(1) that is based solely upon evidence provided by a school bus driver and evidence from a camera that has been installed on the exterior of a school bus shall be considered a nonmoving traffic violation. The registered owner of the motor vehicle is responsible for payment of any notice of violation or citation, not to exceed fifty dollars (\$50.00), for a first offense citation issued as the result of evidence provided by a school bus driver and evidence from a camera; except, that the owner is not responsible for the violation if the owner submits documentation in accordance with § 55-8-198(e).

(B) A second or subsequent violation of subdivision (a)(1) that is based solely upon evidence provided by a school bus driver and evidence from a camera that has been installed on the exterior of a school bus shall be punished in accordance with subdivision (a)(5)(B); except, that the owner is not responsible for the violation if the owner submits documentation in accordance with § 55-8-198(e).

(6) Notices of violations or citations must be sent in accordance with § 55-8-198(b)(1) to the registered owner of the vehicle that was captured by the camera. A citation based solely upon evidence obtained from a school bus driver and a camera shall be deemed invalid if the registration information of the motor vehicle for which the citation is issued is not consistent with the evidence recorded by the camera.

(7) The notice of violation or citation must state the following:

(A) The date, location, and time of the alleged violation;

(B) The amount of the fine being assessed; and

(C) The means by which the owner may elect to shift

responsibility for the payment of the citation to the operator of the vehicle at the time of the alleged violation pursuant to subdivision (c)(5).

(8) The proceeds from any fine imposed by subdivision (c)(5)(A) that is based solely upon evidence obtained from a school bus driver and a camera shall be allocated as follows:

(A) Seventy percent (70%) to the LEA for the purpose of defraying the costs of purchasing, installing, operating, or maintaining the camera, or reimbursing or compensating the vendor with which the LEA contracted regarding the purchase, installation, operation, or maintenance of the camera; and

(B) Thirty percent (30%) to the LEA without being designated for any particular purpose.

(9) No more than one (1) citation shall be issued for each distinct and separate traffic offense in violation of subdivision (a)(1) or a municipal ordinance or law that mirrors, substantially duplicates, or incorporates by cross-reference the language of subdivision (a)(1).

(10) Any LEA that contracts for transportation services with any persons or entities that own school buses, shall include in each contract a provision requiring the owner to allow the LEA, private vendor, or local law enforcement agency reasonable access to the bus for the purposes of installing, maintaining,

or inspecting cameras or obtaining, gathering, or transmitting recorded images from the camera to enforce subdivision (a)(1).

(11) As used in this subsection (c):

(A) "Camera" means any device that is capable of:

(i) Producing a digital photograph, recorded video, or other recorded image, including an image of a motor vehicle passing or overtaking a school bus and the vehicle's license plate; and

(ii) Recording the time, date, and location of a vehicle at the time the image is recorded;

(B) "Local education agency" or "LEA" means any county, city, or special school district, unified school district, school district of any metropolitan form of government, or any other school system established by law; and

(C) "School bus" means every motor vehicle owned by a county, city, local board of education, LEA, or private contractor and operated for the transportation of students to or from any public school or public school-related activities.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.