

HOUSE BILL 2196

By Casada

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 21 and Title 55, Chapter 8, relative to vehicles passing stopped school buses.

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

SECTION 1. Tennessee Code Annotated, Section 55-8-151(a)(5)(B), is amended by deleting the subdivision in its entirety and substituting instead the following:

(B) It is a Class A misdemeanor for any person to fail to comply with the provision of this subsection (a) requiring a motor vehicle to stop upon approaching a school bus. A violation of the provision shall be punishable only by a fine of three hundred dollars (\$300) for a first offense, a fine of seven hundred fifty dollars (\$750) for a second offense, and a fine of one thousand dollars (\$1,000) for a third or subsequent offense. The person cited for the violation may elect not to contest the charge and may, in lieu of appearance in court, submit the fine to the address provided on the notice of violation or citation. Any citation for the violation shall be considered a moving traffic violation for assessing points on the driving record of the person convicted pursuant to § 55-50-505 and for suspending the driver license of the person cited after the person fails to either pay the fine or appear in court pursuant to § 55-50-502(a)(1)(I).

SECTION 2. Tennessee Code Annotated, Section 55-8-151, is amended by adding the following as a new subsection (c) and redesignating 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 or 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 subsection (a) for failing to stop upon approaching a school bus.

(2) The registered owner of the motor vehicle shall be responsible for payment of any notice of violation or citation issued as the result of a camera; except, that the owner shall not be responsible for the violation if the owner submits documentation in accordance with § 55-8-198(e).

(3) Only POST-certified or state-commissioned law enforcement officers shall be authorized to review evidence from a camera and make a determination as to whether a violation of subsection (a) has occurred. At least once every twenty-four (24) hours, all recorded images from the cameras that are received, obtained, gathered, or stored by the LEA or private vendor, as applicable, shall be downloaded and exported or transmitted by electronic means directly to the appropriate local law enforcement agency. This exporting or transmittal of the images shall be in a version agreed to by the local law enforcement agency, LEA and if applicable, the private vendor. In addition to, or in lieu of, exporting or transmitting images to the law enforcement agencies, the law enforcement agencies may be provided real time access to the cameras free of charge. Notices of violations or citations shall be sent in accordance with § 55-8-198(b)(1) to the registered owner of the vehicle that was captured by the camera.

(4) The notice of violation or citation shall state the following:

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

(B) The amount of the fine being assessed;

(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)(2); and

(D) Any additional penalties as provided in subdivision (a)(5)(B) or additional fees or costs that may be imposed if the fine is not paid or if the violation or citation is contested and the person is convicted or found guilty of the offense.

(5) If a person fails to pay the fine for the violation within the time specified or fails to submit documentation pursuant to subdivision (c)(2), then a second notice conforming to the requirements of subdivision (c)(4) shall be sent to the owner. If the owner does not pay the fine or submit documentation pursuant to subdivision (c)(2) within the time specified in the second notice, or if the owner appears in court at the time specified, or such later date as may be fixed by the court, and the owner is convicted or found guilty of, or enters a plea of nolo contendere to the offense, then additional penalties as provided in subdivision (a)(5)(B) and additional fees or costs, including litigation taxes, clerk's fees, court costs, and statutory fees of officers, may be imposed.

(6) The proceeds from any fine imposed by subdivision (a)(5)(B) for a violation of subsection (a) that is based solely upon evidence obtained from 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;

(B) Twenty percent (20%) to the chief law enforcement officer for the county or municipality in which the violation occurred to be used for the purpose of school safety;

(C) Five percent (5%) to the LEA for the sole purpose of defraying the costs of implementing and administering this subsection (c); and

(D) Five percent (5%) to the state general fund without being designated for any particular purpose.

(7) No more than one (1) citation shall be issued for each distinct and separate traffic offense in violation of subsection (a) or a municipal ordinance or law that mirrors, substantially duplicates or incorporates by cross-reference the language of subsection (a). A citation based solely upon evidence obtained from 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.

(8) 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 violations of subsection (a).

(9) Each LEA shall report the following data on a monthly basis to the state department of education:

(A) The total number of school buses on which cameras have been installed;

(B) The total number of citations issued;

(C) The number of those violations paid; and

(D) The total amount of proceeds collected.

(10) Each LEA shall include in any contract with a private vendor a provision that the vendor be required to submit, on a monthly basis, a report to the LEA that includes the data required by subdivision (c)(9). With its submission of its annual report on school bus accidents, the state department of education shall submit to the department of safety, pupil transportation division, the data reported by the LEAs pursuant to subdivision (c)(9). On or before February 1 of each year, the state department of education, in consultation with the department of safety, shall report to the speaker of the senate, the speaker of the house of representatives, the governor, and the general assembly, a summary of the data and any findings and recommendations. The state department of education, in consultation with the department of safety, may promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to implement this subsection (c), including specifications or standards governing the installation of the cameras.

(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; and

SECTION 3. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect July 1, 2014, the public welfare requiring it, and shall apply to all contracts entered into, or renewed, on or after such date.