

SESSION OF 2018

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE
BILL NO. 2040**

As Recommended by House Committee on
Transportation

Brief*

Sub. for HB 2040 would increase the fine for improper passing of a school bus for any subsequent violation within five years to \$750 for a second violation and to \$1,000 for a third or subsequent violation. The fine in continuing law for improper passing of a school bus is \$315.

Background

As introduced, HB 2040 would have authorized a school board to equip school buses with a video recording device to enforce current law: KSA 2017 Supp. 8-1556 requires a driver to stop and prohibits a driver of a vehicle meeting or overtaking from either direction any school bus from proceeding when the bus is flashing red lights (school bus stop sign law). The bill, as introduced, also would have included the fine increases in the substitute bill.

Representative Highland requested the bill and testified as a proponent in the 2017 hearing of the House Committee on Transportation. The Transportation Director for USD 378 Riley County Schools also testified in support of the bill. The proponents reported they had witnessed violations that put children at risk, that a driver violating current law is cited now only if a law enforcement officer witnesses the violation, and that 16 other states have bus camera laws and 3 other states were considering them. The Kansas Highway Patrol provided

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

written-only proponent testimony. A representative of the League of Kansas Municipalities (LKM) appeared as an opponent to certain portions of the bill, relating to costs for the maintaining and storing of evidence and for delivering the citation to the vehicle owner. No other testimony was provided.

The House Committee on Transportation amended the bill regarding delivery of the citation.

On February 22, 2017, the House Committee of the Whole referred the bill to the House Committee on Judiciary. On March 14, 2017, the House Committee on Judiciary held a hearing on due process issues in the bill. Representative Highland testified in support of the bill. A representative of LKM testified as an opponent to the provisions of the bill it had opposed before the House Committee on Transportation.

The House Committee on Judiciary further amended the bill without recommendation by:

- Removing a definition of “owner” that would have been added by the bill, as introduced;
- Adding the provisions regarding *prima facie* evidence and a rebuttable presumption;
- Removing a provision that would have been added by the bill, as introduced, allowing a school district to enter into an intergovernmental agreement to offset expenses involved with the video recording devices contemplated by the bill; and
- Moving and expanding the required contents of a citation.

In 2018, the bill was rereferred to the House Committee on Transportation, which amended the bill to remove sections regarding camera enforcement and retain only provisions regarding fines. It also adopted technical amendments and

recommended the amended contents be placed into a substitute bill.

According to the fiscal note prepared in 2017 by the Division of the Budget on the bill as introduced, enactment of the bill could have these effects:

- According to the Office of Judicial Administration, the bill could increase the number of cases filed, which could increase time spent by staff but also result in collection of docket fees. However, it is not possible to predict the number or complexity of the cases and therefore a precise fiscal effect cannot be determined;
- The Kansas Department of Transportation reported the bill could result in additional federal reporting on automated enforcement, but any fiscal effect to agency operations would be negligible [*Note*: This concern would not be applicable to the substitute bill.]; and
- The Kansas Department of Revenue indicated the bill would require a change to motor vehicle reports and to the driver's license system, at a total cost of \$1,401 in FY 2018.

Any fiscal effect of the bill is not reflected in *The FY 2019 Governor's Budget Report*.