

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2154

By Committee on Judiciary

1-27

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

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

9 Section 1. (a) (1) The department of education shall create policies
10 and procedures to contract with a private vendor for the installation,
11 operation and maintenance of stop signal arm video recording devices, to
12 capture motor vehicles operating in violation of K.S.A. ~~2020~~ 2021 Supp.
13 8-1556, and amendments thereto, and to allow the department of education
14 to assess civil penalties pursuant to this section.

15 (2) Before allowing a private vendor to install stop signal arm video
16 recording devices on school buses, the board of education of a school
17 district shall adopt a resolution specifying the board's intent to work with
18 the private vendor designated by the department of education to capture
19 motor vehicles operating in violation of K.S.A. ~~2020~~ 2021 Supp. 8-1556,
20 and amendments thereto, and to allow the department of education to
21 assess civil penalties pursuant to this section. A resolution adopted
22 pursuant to this subsection shall require a majority vote of the members of
23 the board of education.

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

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

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

36 (4) Civil penalties collected pursuant to this section shall be remitted

1 by the department of education to the state treasurer in accordance with the
2 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
3 each such remittance, the state treasurer shall credit the entire amount to
4 the school bus safety and education fund, which is hereby created in the
5 state treasury and shall be administered by the department of education.
6 Expenditures from the school bus safety and education fund may be made
7 for the purposes of covering expenses for work by a private vendor related
8 to the installation, operation and maintenance of stop signal arm video
9 recording devices, verifying violations captured by stop signal arm video
10 recording devices, educating the public on the dangers of violating K.S.A.
11 ~~2020~~ **2021** Supp. 8-1556, and amendments thereto, and to alert the public
12 of the consequences for violations captured by stop signal arm video
13 recording devices. All expenditures from the school bus safety and
14 education fund shall be made in accordance with appropriation acts upon
15 warrants of the director of accounts and reports issued pursuant to
16 vouchers approved by the department of education or the department of
17 education's designee.

18 (b) (1) Whenever a violation of K.S.A. ~~2020~~ **2021** Supp. 8-1556, and
19 amendments thereto, is detected by the private vendor from recorded
20 images captured by a stop signal arm recording device, the alleged
21 violation shall be forwarded to the ~~department of education~~ **Kansas**
22 **highway patrol** and reviewed and verified by a designated official
23 working with the ~~department of education~~ **under the supervision of the**
24 **Kansas highway patrol**.

25 (2) The information reviewed by the ~~department of education's~~
26 **Kansas highway patrol's** designated official to verify alleged violations
27 pursuant to subsection (b)(1) shall include the following:

- 28 (A) Recorded images of the alleged violation;
29 (B) the location where the alleged violation occurred;
30 (C) an image of the vehicle involved in the alleged violation; and
31 (D) an image of the registration plate for the vehicle involved in the
32 alleged violation.

33 (3) Recorded images showing a vehicle operating in violation of
34 K.S.A. ~~2020~~ **2021** Supp. 8-1556, and amendments thereto, shall be prima
35 facie evidence that a violation occurred.

36 (4) If the designated official verifying an evidence file determines
37 that a violation of K.S.A. ~~2020~~ **2021** Supp. 8-1556, and amendments
38 thereto, has occurred, a notice of violation shall be issued by the
39 department of education to the registered owner of the vehicle in the
40 recorded images. A notice of violation shall be sent to the registered
41 vehicle owner's last known address by first class mail within 14 calendar
42 days from the date the violation occurred. Such notice shall include:

- 43 (A) The information collected pursuant to subsection (b)(2);

1 (B) the amount of the civil penalty and the date by which such
2 penalty shall be paid;

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

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

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

9 (c) (1) The penalty for a violation of K.S.A.—~~2020~~ **2021** Supp. 8-1556,
10 and amendments thereto, recorded by a stop signal arm video recording
11 device shall be a civil penalty of \$250.

12 (2) If the registered owner of a vehicle fails to pay the civil penalty
13 for a violation of K.S.A.—~~2020~~ **2021** Supp. 8-1556, and amendments
14 thereto, captured by a stop signal arm video recording device, the
15 department of education is authorized to inform the division of vehicles of
16 such failure. The division of vehicles may be instructed by the department
17 of education to require payment of any civil penalties due and owing to the
18 department of education at the time of registration or renewal of
19 registration or otherwise to refuse to register or renew the registration of
20 the vehicle, as set forth in K.S.A. 8-173, and amendments thereto, of the
21 registered owner or owners, until those civil penalties are paid to the
22 satisfaction of the department of education.

23 (3) The registered owner of a vehicle is presumed to be the driver
24 responsible for any violation of K.S.A.—~~2020~~ **2021** Supp. 8-1556, and
25 amendments thereto, captured by a stop signal arm video recording device.
26 The registered owner of a vehicle may contest that such owner was the
27 driver of the vehicle by appealing the notice of violation to the department
28 of education within 15 business days and providing sufficient evidence for
29 an available defense. Defenses available for the registered owner include
30 that:

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

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

34 (C) the registered owner of the vehicle was already charged with a
35 traffic infraction for violation of K.S.A.—~~2020~~ **2021** Supp. 8-1556, and
36 amendments thereto, for the same incident; or

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

39 (4) Upon receipt of a contest from the registered owner, the
40 department of education shall investigate the contest and within 30
41 business days shall either dismiss the violation or confirm the violation. A
42 registered owner may thereafter pay the specified civil penalty or contest
43 the findings and conclusions of the department of education by requesting

1 an administrative hearing within 15 business days of receipt of the notice
2 of violation pursuant to the Kansas administrative procedure act.

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

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

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

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

12 (B) a court or person as directed by a valid court order or subpoena;
13 or

14 (C) a Kansas law enforcement agency for investigation purposes
15 connected with alleged violations of K.S.A. ~~2020~~ 2021 Supp. 8-1556, and
16 amendments thereto, upon request by such agency.

17 (2) Recorded images that capture no violation of K.S.A. ~~2020~~ 2021
18 Supp. 8-1556, and amendments thereto, shall be retained for no longer
19 than 28 business days. After 28 business days, the recorded images
20 showing no violation shall be destroyed or disposed of by the department
21 of education or private vendor responsible for identifying violations.
22 Recorded images that capture violations of K.S.A. ~~2020~~ 2021 Supp. 8-
23 1556, and amendments thereto, shall be retained by the party responsible
24 for issuing notices of violations until the case is closed. At such time the
25 case is closed, recorded images of the violation shall be destroyed or
26 disposed of.

27 (3) Recorded images made for purposes of this section shall not be
28 subject to the open records act, K.S.A. 45-215 et seq., and amendments
29 thereto. The provisions of this paragraph shall expire on July 1, ~~2026~~ 2027,
30 unless the legislature reviews and reenacts this provision pursuant to
31 K.S.A. 45-229, and amendments thereto, prior to July 1, ~~2026~~ 2027.

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

37 (f) As used in this section:

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

41 (2) "Designated official" means a certified Kansas law enforcement
42 officer or a retired law enforcement officer who was in good standing at
43 the time of retirement and whose certification was not suspended, revoked

1 or surrendered at the time of retirement or any time subsequent to
2 retirement.

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

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

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

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

9 (3) "Stop signal arm video recording device" means a camera or
10 cameras installed on a school bus stop signal arm that is capable of
11 producing recorded images.

12 Sec. 2. This act shall take effect and be in force from and after its
13 publication in the statute book.