AN ACT concerning school buses; relating to the illegal passing of school buses; authorizing the department of education to contract with private vendors for the installation and operation of stop signal arm video recording devices; procedures; violations; civil penalties; annual report to the legislature.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) (1) The department of education shall create policies and procedures to contract with a private vendor for the installation, operation and maintenance of stop signal arm video recording devices, to capture motor vehicles operating in violation of K.S.A. 2019 Supp. 8-1556, and amendments thereto, and to allow the department of education to assess civil penalties pursuant to this section.

(2) Before allowing a private vendor to install stop signal arm video recording devices on school buses, the board of education of a school district shall adopt a resolution specifying the board's intent to work with the private vendor designated by the department of education to capture motor vehicles operating in violation of K.S.A. 2019 Supp. 8-1556, and amendments thereto, and to allow the department of education to assess civil penalties pursuant to this section. A resolution adopted pursuant to this subsection shall require a majority vote of the members of the board of education.

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

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

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

(4) Civil penalties collected pursuant to this section shall be remitted by the department of education to the state treasurer in accordance with the
provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the school bus safety and education fund, which is hereby created in the state treasury and shall be administered by the department of education. Expenditures from the school bus safety and education fund may be made for the purposes of covering expenses for work by a private vendor related to the installation, operation and maintenance of stop signal arm video recording devices, verifying violations captured by stop signal arm video recording devices, educating the public on the dangers of violating K.S.A. 2019 Supp. 8-1556, and amendments thereto, and to alert the public of the consequences for violations captured by stop signal arm video recording devices. All expenditures from the school bus safety and education fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the department of education or the department of education's designee.

(b) (1) Whenever a violation of K.S.A. 2019 Supp. 8-1556, and amendments thereto, is detected by the private vendor from recorded images captured by a stop signal arm recording device, the alleged violation shall be forwarded to the department of education and reviewed and verified by an official designated by the department of education.

(2) The information reviewed by the department of education's designated official to verify alleged violations pursuant to subsection (b) shall include the following:

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

(3) Recorded images showing a vehicle operating in violation of K.S.A. 2019 Supp. 8-1556, and amendments thereto, shall be prima facie evidence that a violation occurred.

(4) If the department of education official verifying an evidence file determines that a violation of K.S.A. 2019 Supp. 8-1556, and amendments thereto, has occurred, a notice of violation shall be issued by the department of education to the registered owner of the vehicle in the recorded images. A notice of violation shall be sent to the registered vehicle owner's last known address by first class mail within 14 calendar days from the date the violation occurred. Such notice shall include:

(A) The information collected pursuant to subsection (b)(2);
(B) the amount of the civil penalty and the date by which such penalty shall be paid;
(C) a signed affidavit by the party who verified the violation from the evidence file;
(D) information advising the registered owner on the appeal process to contest the captured violation; and
(E) a warning listing additional penalties for failure to pay the civil penalty or file an appeal in a timely manner.

(c) (1) The penalty for a violation of K.S.A. 2019 Supp. 8-1556, and amendments thereto, recorded by a stop signal arm video recording device shall be a civil penalty of $250.

(2) If the registered owner of a vehicle fails to pay the civil penalty for a violation of K.S.A. 2019 Supp. 8-1556, and amendments thereto, captured by a stop signal arm video recording device, the department of education is authorized to inform the division of vehicles of such failure. The division of vehicles may be instructed by the department of education to require payment of any civil penalties due and owing to the department of education at the time of registration or renewal of registration or otherwise to refuse to register or renew the registration of the vehicle, as set forth in K.S.A. 8-173, and amendments thereto, of the registered owner or owners, until those civil penalties are paid to the satisfaction of the department of education.

(3) The registered owner of a vehicle is presumed to be the driver responsible for any violation of K.S.A. 2019 Supp. 8-1556, and amendments thereto, captured by a stop signal arm video recording device. The registered owner of a vehicle may contest that such owner was the driver of the vehicle by appealing the notice of violation to the department of education within 15 business days and providing sufficient evidence for an available defense. Defenses available for the registered owner include that:

(A) At the time of the violation, the vehicle was stolen;
(B) at the time of the violation, the registration plate or registration decal for the vehicle was stolen;
(C) the registered owner of the vehicle was already charged with a traffic infraction for violation of K.S.A. 2019 Supp. 8-1556, and amendments thereto, for the same incident; or
(D) at the time of the violation, the vehicle was sold or the registered owner otherwise no longer owned the vehicle.

(4) Upon receipt of a contest from the registered owner, the department of education shall investigate the contest and within 30 business days shall either dismiss the violation or confirm the violation. A registered owner may thereafter pay the specified civil penalty or contest the findings and conclusions of the department of education by requesting an administrative hearing within 15 business days of receipt of the notice of violation pursuant to the Kansas administrative procedure act.

(A) The administrative hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.
Any party may appeal the administrative hearing order to the district court in accordance with the provisions of the Kansas judicial review act.

(d) (1) Recorded images made for purposes of this section shall be released by the department of education or private vendor to the following:
(A) The registered owner of the vehicle captured in the recorded images, upon request by such owner;
(B) a court or person as directed by a valid court order or subpoena;
or
(C) a Kansas law enforcement agency for investigation purposes connected with alleged violations of K.S.A. 2019 Supp. 8-1556, and amendments thereto, upon request by such agency.

(2) Recorded images that capture no violation of K.S.A. 2019 Supp. 8-1556, and amendments thereto, shall be retained for no longer than 28 business days. After 28 business days, the recorded images showing no violation shall be destroyed or disposed of by the department of education or private vendor responsible for identifying violations. Recorded images that capture violations of K.S.A. 2019 Supp. 8-1556, and amendments thereto, shall be retained by the party responsible for issuing notices of violations until the case is closed. At such time the case is closed, recorded images of the violation shall be destroyed or disposed of.

(3) Recorded images made for purposes of this section shall not be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this paragraph shall expire on July 1, 2025, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2025.

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

(f) As used in this section:

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

(2) "Recorded images" means photographic, digital or video images recorded by a stop signal arm video recording device that provide:
(A) A clear view of a vehicle passing a school bus on either side;
(B) the date and time the recording was made; and
(C) an electronic symbol confirming the activation of amber lights, flashing red lights, stop signal arms fully extended and brakes.

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

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