

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2040

As Amended by House Committee on
Transportation

Brief*

HB 2040 would authorize a school board to equip school buses with a video recording device to enforce current law that 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.

The bill would require a copy of the recorded images showing a person operated a motor vehicle in violation of the prohibition be delivered to an owner. The bill would state recorded images made for this purpose would not be subject to the Open Records Act, an exception that would expire July 1, 2022.

The bill would state no additional citation would be issued to the owner if the operator is arrested or issued a citation and notice to appear for the same violation.

The bill would authorize a school district to enter into an intergovernmental agreement to offset expenses regarding the implementation and ongoing operation of video recording devices used for this purpose.

The bill would define several terms:

- “Owner” would mean the person to whom the vehicle is registered, except the term would not include a motor vehicle rental company when the

*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>

vehicle is being operated by another person pursuant to a rental agreement with that company;

- “Recorded images” would mean images recorded by a video recording device mounted on a school bus with a clear view of vehicles passing the bus on either side and showing the date and time the recording was made and an electronic symbol showing the activation of amber lights, flashing red lights, stop arms fully extended, and brakes; and
- “Video recording device” would mean a camera capable of recording digital images showing the date and time the images were recorded.

The bill would require a law enforcement officer prepare and deliver the written traffic citation to a person so charged, evidenced by a recorded image. The bill would authorize such citation be served in any manner authorized by law, including, but not limited to, mailing it by certified mail to the person’s last known address.

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

Background

Representative Highland requested the bill, and he testified as a proponent in the hearing of the House Committee on Transportation. The Transportation Director for USD 378 Riley County Schools also testified in support of the bill. They 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 are considering them. The Kansas Highway Patrol provided written-only proponent testimony. A representative of the

League of Kansas Municipalities 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 amended the bill regarding delivery of the citation.

According to the fiscal note prepared 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; and
- The Kansas Department of Revenue indicates 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 2018 Governor's Budget Report*.