

1 AN ACT relating to school bus safety.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 6 of this Act, unless the context requires otherwise:*

6 *(1) "Camera monitoring system" means a system with one (1) or more camera*
7 *sensors and computers installed and operated on a school bus that:*

8 *(a) Produces recorded images; and*

9 *(b) Records the activation status of the stop arm and time, date, and location of*
10 *the motor vehicle when the recorded image or video is captured;*

11 *(2) "Code enforcement board" has the same meaning as in KRS 65.8805;*

12 *(3) "County" means a county, urban-county, consolidated local government, unified*
13 *local government, or charter county;*

14 *(4) "Owner" has the same meaning as in KRS 186.010;*

15 *(5) "Recorded images" means two (2) or more photographic images or a segment of*
16 *any video medium recorded by a camera monitoring system which show on at*
17 *least one (1) image or portion of video the registration plate number of a motor*
18 *vehicle being operated in violation of subsection (1) of Section 8 of this Act; and*

19 *(6) "Stop arm camera violation" means a violation of subsection (1) of Section 8 of*
20 *this Act recorded by a camera monitoring system and enforced in accordance*
21 *with an ordinance adopted by a county.*

22 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO
23 READ AS FOLLOWS:

24 *The legislative body of a county may:*

25 *(1) Authorize, by ordinance:*

26 *(a) A local school district to:*

27 *1. Install and maintain a camera monitoring system in or on the school*

1 buses operated by a school district for the purpose of recording
 2 violations of subsection (1) of Section 8 of this Act; or

3 2. Contract with a private vendor to do so on behalf of the school district;
 4 and

5 (b) Enforcement of a civil penalty against the owner of a motor vehicle for a
 6 stop arm camera violation; and

7 (2) Enter into an interlocal agreement in accordance with KRS 65.210 to 65.300 for
 8 the purposes of implementing and enforcing an ordinance enacted in accordance
 9 with subsection (1) of this section, with a requirement that a stop arm camera
 10 violation shall be enforced by a law enforcement authority.

11 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO
 12 READ AS FOLLOWS:

13 (1) The amount of a civil penalty for a stop arm camera violation shall be set by the
 14 legislative body of the county but shall not exceed:

15 (a) Three hundred dollars (\$300) for the first civil penalty; and

16 (b) Five hundred dollars (\$500) for each subsequent civil penalty issued to an
 17 owner within a three (3) year period.

18 (2) All revenue generated from a civil penalty for stop arm camera violations shall be
 19 retained by the county, unless the fine is collected as a result of action taken in
 20 the Court of Justice in which court costs may be deducted from the amount paid
 21 to the county.

22 (3) A stop arm camera violation shall not result in points being assessed against the
 23 driving record of the owner or operator of the vehicle in violation.

24 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO
 25 READ AS FOLLOWS:

26 (1) An ordinance adopted pursuant to Section 2 of this Act shall specify by whom the
 27 following documents shall be sent by certified mail to the owner of a motor

- 1 vehicle within thirty (30) days of a stop arm camera violation:
- 2 (a) The stop arm camera form as described in subsection (2) of this section;
- 3 (b) A copy of the recorded images for the stop arm camera violation; and
- 4 (c) A signed, sworn statement from a law enforcement officer that, based on
- 5 inspection of recorded images, the motor vehicle was being operated in
- 6 violation of subsection (1) of Section 8 of this Act. This statement may be
- 7 admissible in any proceeding challenging a stop arm camera violation.
- 8 (2) The form of a stop arm camera violation shall be designated by the legislative
- 9 body of the county, but shall contain in substance the following information:
- 10 (a) The name and address of the registered owner of the vehicle;
- 11 (b) A statement that the notice represents a determination that a stop arm
- 12 camera violation has been committed by the owner of the vehicle and that
- 13 the determination shall be final unless contested in accordance with Section
- 14 5 of this Act;
- 15 (c) The date and time of the violation;
- 16 (d) The location of the violation;
- 17 (e) The amount of the civil penalty imposed and the date by which the civil
- 18 penalty shall be paid;
- 19 (f) Instructions on how to pay the civil penalty;
- 20 (g) Information advising the owner as to the manner and time in which the
- 21 uniform civil citation may be contested; and
- 22 (h) A warning that failure to pay the civil penalty imposed or to contest the
- 23 matter in a timely manner is an admission of liability and shall result in the
- 24 suspension of the motor vehicle's registration.

25 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO
 26 READ AS FOLLOWS:

27 (1) In a contest to a stop arm camera violation, it shall be a defense that:

1 (a) The motor vehicle or the motor vehicle registration plates were stolen before
 2 the violation occurred and were not under the control or possession of the
 3 owner at the time of the violation;

4 (b) The ordinance is not enforceable because at the time and place of the
 5 violation the stop arm was not extended or the signal lights were not
 6 activated so as to be seen by an ordinarily observant individual;

7 (c) The owner was not operating the vehicle at the time of the violation. An
 8 owner who uses this defense shall identify who was operating the vehicle at
 9 the time of the violation, including, at a minimum, the operator's name and
 10 address; or

11 (d) The person operating the motor vehicle received a citation from a law
 12 enforcement officer for a violation of subsection (1) of Section 8 of this Act
 13 at the date and approximate time listed on the stop arm camera violation
 14 form.

15 (2) (a) In a county with a code enforcement board, a contest to a stop arm camera
 16 violation shall be conducted in accordance with KRS 65.8825, 65.8828,
 17 65.8829, and 65.88.8831, except notwithstanding KRS 65.8828(4), when a
 18 board determines that a violation has been committed, the board shall issue
 19 an order upholding the citation and shall order the offender to pay the civil
 20 penalty in full.

21 (b) In a county without a code enforcement board, a contest to a stop arm
 22 camera violation shall be heard by the District Court, and the legislative
 23 body of the county shall direct the county attorney to defend the stop arm
 24 camera violation in the in accordance with KRS 69.210(1).

25 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO
 26 READ AS FOLLOWS:

27 (1) If a stop arm camera violation is not paid or contested in accordance with Section

1 5 of this Act within sixty (60) days, the county may notify the Transportation
2 Cabinet of the nonpayment. Upon notice of nonpayment, the cabinet shall
3 suspend the registration of a motor vehicle until the civil penalty is paid.

4 (2) A county shall notify the cabinet of the need to release a suspension levied in
5 accordance with paragraph (a) of this subsection within one (1) business day of
6 collecting the funds to satisfy the civil penalty.

7 ➔Section 7. KRS 189.990 is amended to read as follows:

8 (1) Any person who violates any of the provisions of KRS 189.020 to 189.040,
9 subsection (1) or (4) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to
10 (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to
11 (4) of KRS 189.190, KRS 189.200, 189.285, 189.290, 189.300 to 189.360, KRS
12 189.380, KRS 189.400 to 189.430, KRS 189.450 to 189.458, KRS 189.4595 to
13 189.480, subsection (1) of KRS 189.520, KRS 189.540, KRS 189.570 to 189.590,
14 except subsection (1)(b) or (6)(b) of KRS 189.580, KRS 189.345, subsection (6) of
15 KRS 189.456, and 189.960 shall be fined not less than twenty dollars (\$20) nor
16 more than one hundred dollars (\$100) for each offense. Any person who violates
17 subsection (1)(a) of KRS 189.580 shall be fined not less than twenty dollars (\$20)
18 nor more than two thousand dollars (\$2,000) or imprisoned in the county jail for not
19 more than one (1) year, or both, unless the accident involved death or serious
20 physical injury and the person knew or should have known of the death or serious
21 physical injury, in which case the person shall be guilty of a Class D felony. Any
22 person who violates paragraph (c) of subsection (5) of KRS 189.390 shall be fined
23 not less than eleven dollars (\$11) nor more than thirty dollars (\$30). Neither court
24 costs nor fees shall be taxed against any person violating paragraph (c) of
25 subsection (5) of KRS 189.390.

26 (2) (a) Any person who violates the weight provisions of KRS 189.212, 189.221,
27 189.222, 189.226, 189.230, 189.270, or 189.2713 shall be fined two cents

1 (\$0.02) per pound for each pound of excess load when the excess is five
2 thousand (5,000) pounds or less. When the excess exceeds five thousand
3 (5,000) pounds the fine shall be two cents (\$0.02) per pound for each pound of
4 excess load, but the fine levied shall not be less than one hundred dollars
5 (\$100) and shall not be more than five hundred dollars (\$500).

6 (b) Any person who violates the provisions of KRS 189.271 and is operating on a
7 route designated on the permit shall be fined one hundred dollars (\$100);
8 otherwise, the penalties in paragraph (a) of this subsection shall apply.

9 (c) Any person who violates any provision of subsection (2) or (3) of KRS
10 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270,
11 189.2713, 189.280, or the dimension provisions of KRS 189.212, for which
12 another penalty is not specifically provided shall be fined not less than ten
13 dollars (\$10) nor more than five hundred dollars (\$500).

14 (d) 1. Any person who violates the provisions of KRS 177.985 while operating
15 on a route designated in KRS 177.986 shall be fined one hundred dollars
16 (\$100).

17 2. Any person who operates a vehicle with a permit under KRS 177.985 in
18 excess of eighty thousand (80,000) pounds while operating on a route
19 not designated in KRS 177.986 shall be fined one thousand dollars
20 (\$1,000).

21 (e) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to
22 prejudice or affect the authority of the Department of Vehicle Regulation to
23 suspend or revoke certificates of common carriers, permits of contract
24 carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221
25 to 189.228 or any other act applicable to motor vehicles, as provided by law.

26 (3) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not
27 more than fifteen dollars (\$15).

- 1 (b) Any person who violates subsection (5) of KRS 189.190 shall be fined not
2 less than thirty-five dollars (\$35) nor more than two hundred dollars (\$200).
- 3 (4) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not
4 less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).
- 5 (b) Any peace officer who fails, when properly informed, to enforce KRS 189.210
6 shall be fined not less than twenty-five dollars (\$25) nor more than one
7 hundred dollars (\$100).
- 8 (c) All fines collected under this subsection, after payment of commissions to
9 officers entitled thereto, shall go to the county road fund if the offense is
10 committed in the county, or to the city street fund if committed in the city.
- 11 (5) Any person who violates KRS 189.370 shall for the first offense be fined not less
12 than one hundred dollars (\$100) nor more than ~~three~~^{two} hundred dollars
13 ~~(\$300)~~~~(\$200)~~ or imprisoned not less than thirty (30) days nor more than sixty (60)
14 days, or both. For each subsequent offense occurring within three (3) years, the
15 person shall be fined not less than three hundred dollars (\$300) nor more than five
16 hundred dollars (\$500) or imprisoned not less than sixty (60) days nor more than six
17 (6) months, or both. The minimum fine for this violation shall not be subject to
18 suspension. A minimum of six (6) points shall be assessed against the driving
19 record of any person convicted.
- 20 (6) Any person who violates KRS 189.500 shall be fined not more than fifteen dollars
21 (\$15) in excess of the cost of the repair of the road.
- 22 (7) Any person who violates KRS 189.510 or KRS 189.515 shall be fined not less than
23 twenty dollars (\$20) nor more than fifty dollars (\$50).
- 24 (8) Any peace officer who violates subsection (2) of KRS 189.520 shall be fined not
25 less than thirty-five dollars (\$35) nor more than one hundred dollars (\$100).
- 26 (9) (a) Any person who violates KRS 189.530(1) shall be fined not less than thirty-
27 five dollars (\$35) nor more than one hundred dollars (\$100), or imprisoned

- 1 not less than thirty (30) days nor more than twelve (12) months, or both.
- 2 (b) Any person who violates KRS 189.530(2) shall be fined not less than thirty-
- 3 five dollars (\$35) nor more than one hundred dollars (\$100).
- 4 (10) Any person who violates any of the provisions of KRS 189.550 shall be guilty of a
- 5 Class B misdemeanor.
- 6 (11) Any person who violates subsection (3) of KRS 189.560 shall be fined not less than
- 7 thirty dollars (\$30) nor more than one hundred dollars (\$100) for each offense.
- 8 (12) The fines imposed by paragraph (a) of subsection (3) and subsections (6) and (7) of
- 9 this section shall, in the case of a public highway, be paid into the county road fund,
- 10 and, in the case of a privately owned road or bridge, be paid to the owner. These
- 11 fines shall not bar an action for damages for breach of contract.
- 12 (13) Any person who violates any of the provisions of KRS 189.120 shall be fined not
- 13 less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each
- 14 offense.
- 15 (14) Any person who violates any provision of KRS 189.575 shall be fined not less than
- 16 twenty dollars (\$20) nor more than twenty-five dollars (\$25).
- 17 (15) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than
- 18 twenty dollars (\$20) nor more than one hundred dollars (\$100) for each offense.
- 19 (16) Any person who violates restrictions or regulations established by the secretary of
- 20 transportation pursuant to subsection (3) of KRS 189.231 shall, upon first offense,
- 21 be fined one hundred dollars (\$100) and, upon subsequent convictions, be fined not
- 22 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or
- 23 imprisoned for thirty (30) days, or both.
- 24 (17) (a) Any person who violates any of the provisions of KRS 189.565 shall be guilty
- 25 of a Class B misdemeanor.
- 26 (b) In addition to the penalties prescribed in paragraph (a) of this subsection, in
- 27 case of violation by any person in whose name the vehicle used in the

1 transportation of inflammable liquids or explosives is licensed, the person
2 shall be fined not less than one hundred dollars (\$100) nor more than five
3 hundred dollars (\$500). Each violation shall constitute a separate offense.

4 (18) Any person who abandons a vehicle upon the right-of-way of a state highway for
5 three (3) consecutive days shall be fined not less than thirty-five dollars (\$35) nor
6 more than one hundred dollars (\$100), or imprisoned for not less than ten (10) days
7 nor more than thirty (30) days.

8 (19) Every person violating KRS 189.393 shall be guilty of a Class B misdemeanor,
9 unless the offense is being committed by a defendant fleeing the commission of a
10 felony offense which the defendant was also charged with violating and was
11 subsequently convicted of that felony, in which case it is a Class A misdemeanor.

12 (20) Any law enforcement agency which fails or refuses to forward the reports required
13 by KRS 189.635 shall be subject to the penalties prescribed in KRS 17.157.

14 (21) A person who operates a bicycle in violation of the administrative regulations
15 promulgated pursuant to KRS 189.287 shall be fined not less than ten dollars (\$10)
16 nor more than one hundred dollars (\$100).

17 (22) Any person who violates KRS 189.860 shall be fined not more than five hundred
18 dollars (\$500) or imprisoned for not more than six (6) months, or both.

19 (23) Any person who violates KRS 189.754 shall be fined not less than twenty-five
20 dollars (\$25) nor more than three hundred dollars (\$300).

21 (24) Any person who violates the provisions of KRS 189.125(3)(a) shall be fined fifty
22 dollars (\$50). This fine shall be subject to prepayment. A fine imposed under this
23 subsection shall not be subject to court costs pursuant to KRS 24A.175, additional
24 court costs pursuant to KRS 24A.176, the fee imposed pursuant to KRS 24A.1765,
25 or any other additional fees or costs.

26 (25) Any person who violates the provisions of KRS 189.125(3)(b) shall not be issued a
27 uniform citation, but shall instead receive a courtesy warning up until July 1, 2009.

1 For a violation on or after July 1, 2009, the person shall be fined thirty dollars (\$30).
2 This fine shall be subject to prepayment. A fine imposed under this subsection shall
3 not be subject to court costs pursuant to KRS 24A.175, additional court costs
4 pursuant to KRS 24A.176, a fee imposed pursuant to KRS 24A.1765, or any other
5 additional fees or costs. A person who has not been previously charged with a
6 violation of KRS 189.125(3)(b) may elect to acquire a booster seat meeting the
7 requirements of KRS 189.125. Upon presentation of sufficient proof of the
8 acquisition, the charge shall be dismissed and no fees or costs shall be imposed.

9 (26) Any person who violates the provisions of KRS 189.125(6) shall be fined an
10 amount not to exceed twenty-five dollars (\$25). This fine shall be subject to
11 prepayment. A fine imposed under this subsection shall not be subject to court costs
12 pursuant to KRS 24A.175, additional court costs pursuant to KRS 24A.176, the fee
13 imposed pursuant to KRS 24A.1765, or any other additional fees or costs.

14 (27) Fines levied pursuant to this chapter shall be assessed in the manner required by
15 KRS 534.020, in amounts consistent with this chapter. Nonpayment of fines shall
16 be governed by KRS 534.020 and 534.060.

17 (28) A licensed driver under the age of eighteen (18) charged with a moving violation
18 pursuant to this chapter as the driver of a motor vehicle may be referred, prior to
19 trial, by the court to a diversionary program. The diversionary program under this
20 subsection shall consist of one (1) or both of the following:

21 (a) Execution of a diversion agreement which prohibits the driver from operating
22 a vehicle for a period not to exceed forty-five (45) days and which allows the
23 court to retain the driver's operator's license during this period; and

24 (b) Attendance at a driver improvement clinic established pursuant to KRS
25 186.574. If the person completes the terms of this diversionary program
26 satisfactorily the violation shall be dismissed.

27 (29) A person who violates the provisions of subsection (2) or (3) of KRS 189.459 shall

1 be fined two hundred fifty dollars (\$250). The fines and costs for a violation of
2 subsection (2) or (3) of KRS 189.459 shall be collected and disposed of in
3 accordance with KRS 24A.180. Once deposited into the State Treasury, ninety
4 percent (90%) of the fine collected under this subsection shall immediately be
5 forwarded to the personal care assistance program under KRS 205.900 to 205.920.
6 Ten percent (10%) of the fine collected under this subsection shall annually be
7 returned to the county where the violation occurred and distributed equally to all
8 law enforcement agencies within the county.

9 (30) Any person who violates KRS 189.292 or 189.294 shall be fined twenty-five dollars
10 (\$25) for the first offense and fifty dollars (\$50) for each subsequent offense.

11 ➔Section 8. KRS 189.370 is amended to read as follows:

12 (1) If any school or church bus used in the transportation of children is stopped upon a
13 highway for the purpose of receiving or discharging passengers, with the stop arm
14 and signal lights activated, the operator of a vehicle approaching from any direction
15 shall bring his vehicle to a stop and shall not proceed until the bus has completed
16 receiving or discharging passengers and has been put into motion. The stop
17 requirement provided for in this section shall not apply to vehicles approaching a
18 stopped bus from the opposite direction upon a highway of four (4) or more lanes
19 *divided by an elevated barrier or unpaved median.*

20 (2) Subsection (1) of this section shall be applicable only when the bus displays the
21 markings and equipment required by Kentucky minimum specifications for school
22 buses.

23 (3) If any vehicle is witnessed to be in violation of subsection (1) of this section and the
24 identity of the operator is not otherwise apparent, it shall be a rebuttable
25 presumption that the person in whose name the vehicle is registered or leased was
26 the operator of the vehicle at the time of the alleged violation and is subject to the
27 penalties as provided for in KRS 189.990(5).