

Amendment No. 1 to HB0818

Howell
Signature of Sponsor

AMEND Senate Bill No. 1281

House Bill No. 818*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-8-151(c), is amended by deleting subdivisions (1)-(6), adding the following as new subdivisions, and renumbering the existing subdivisions (7)-(10) accordingly:

(1) A local education agency (LEA) may purchase, install, operate, and maintain cameras on the exterior of school buses, or may enter into a contract with a private vendor to purchase, install, operate, and maintain cameras on the exterior of school buses, whether owned, contracted, or leased by the LEA, and provide other services related to violations of subdivision (a)(1), on behalf of the LEA, for the purpose of recording images of motor vehicles that are in violation of subdivision (a)(1) for failing to stop upon approaching a school bus.

(2) An LEA that installs cameras on the exterior of school buses in accordance with subdivision (c)(1) shall enter into a memorandum of understanding with local law enforcement that includes, but is not limited to, the review of evidence from a camera and overall enforcement. Only POST-certified or state-commissioned law enforcement officers, including school resource officers, as defined in § 49-6-4202, are authorized to review evidence from a camera to determine whether a violation of subdivision (a)(1) has occurred.

(3)

(A) In lieu of prosecution for an offense under subdivision (a)(5)(B), where evidence of the offense is based solely from a camera that has been

installed on the exterior of a school bus, a person may be issued a notice of violation or citation; however, this subdivision (c)(3)(A) does not preclude the state from prosecuting an offense under subdivision (a)(5)(B), where evidence of the offense is based solely from such camera if the state meets the burden of proof set out in § 39-11-201.

(B) A notice of violation or citation issued for a violation of subdivision (a)(1) that is based solely upon evidence from a camera that has been installed on the exterior of a school bus is considered a nonmoving traffic violation.

(C) The registered owner of the motor vehicle is responsible for payment of a notice of violation or citation; provided, that the owner is not responsible for the violation if the owner submits documentation in accordance with § 55-8-198(e).

(D) The fine for a first notice of violation or citation under this subdivision (c)(3) is two hundred fifty dollars (\$250), and the fine for a second or subsequent notice of violation or citation is five hundred dollars (\$500).

(4)

(A) Notices of violations or citations must be sent in accordance with § 55-8-198(b)(1) to the registered owner of the vehicle that was captured by the camera.

(B) Photographs or video produced by a camera that has been installed on the exterior of a school bus are prima facie evidence that the vehicle described in the citation was operated in violation of subdivision (a)(1).

Photographs or video produced by a camera that has been installed on the exterior of a school bus, together with proof that the defendant was the registered owner of the vehicle at the time of the violation, create an inference that the owner of the vehicle was the driver of the vehicle at the time of the alleged

violation. The inference may be rebutted if the owner of the vehicle submits documentation in accordance with § 55-8-198(e).

(C) A citation based solely upon evidence obtained from a camera that has been installed on the exterior of a school bus is deemed invalid if the registration information of the motor vehicle for which the citation is issued is not consistent with the evidence recorded by the camera.

(5) For a violation of subdivision (a)(1), there is a presumption that the photographs or video produced by a camera that has been installed on the exterior of a school bus provide evidence that the school bus was stopped for the purpose of receiving or discharging school children.

(6) Photographs or video produced by a camera that has been installed on the exterior of a school bus depicting a violation of subdivision (a)(1) must be made available for inspection in any proceeding in which the citation or violation is being contested.

(7) The notice of violation or citation must include:

(A) The date, location, and time of the alleged violation;

(B) The amount of the fine being assessed;

(C) The means by which the owner may elect to shift responsibility for the payment of the citation to the operator of the vehicle at the time of the alleged violation pursuant to § 55-8-198(e); and

(D) Information detailing the process for contesting the citation, including the applicable court having jurisdiction.

(8)

(A) One hundred percent (100%) of the proceeds from any fine imposed under this section that is based solely upon evidence obtained from a camera installed on the exterior of a school bus must be allocated to the LEA without being designated for any particular purpose.

(B)

(i) The LEA may use the proceeds for the purpose of defraying the costs of purchasing, installing, operating, or maintaining the camera, or reimbursing or compensating the vendor with which the LEA contracted regarding the purchase, installation, operation, or maintenance of the camera, the provision of other services related to violations of subdivision (a)(1), or reimbursement to law enforcement for costs related to review and enforcement of violations of subsection (a)(1) allowable under the law.

(ii) If the LEA uses the proceeds for the purpose of reimbursing or compensating a vendor with which the LEA contracted regarding the purchase, installation, operation, or maintenance of the camera, or the provision of other services, then the LEA shall create procedures for such reimbursement or compensation and shall maintain records of the reimbursement or compensation.

SECTION 2. Tennessee Code Annotated, Section 55-8-151(a)(5), is amended by deleting the subdivision and substituting instead the following:

(A) It is a Class C misdemeanor for a person to fail to comply with any provision of this subsection (a) other than the requirement that a motor vehicle stop upon approaching a school bus.

(B) It is a Class A misdemeanor punishable only by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) for a person to fail to comply with the provision of this subsection (a) requiring a motor vehicle to stop upon approaching a school bus; except, that a second or subsequent violation of subdivision (a)(1) is a Class A misdemeanor punishable only by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

(C) A person who violates subdivision (a)(1) and strikes another person with a vehicle, commits a Class E felony; provided, that the person commits a Class C felony if the striking results in the death of the other person.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it, and applies to all notices of violation and citations issued on or after July 1, 2023, and to contracts entered into, amended, or renewed on or after July 1, 2023.