

HOUSE BILL 910

By Smith

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 21 and Title 55, Chapter 8, relative to installing cameras on school buses to monitor certain traffic violations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-8-151, is amended by adding the following as a new subsection (c) and redesignating the present subsection (c) and the remaining subsections accordingly:

(c)

(1) Any 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 on behalf of the LEA, for the purpose of recording images of motor vehicles that are in violation of subsection (a) for failing to stop upon approaching a school bus. A citation that is based solely upon evidence from a camera that has been installed on the exterior of a school bus shall be considered a nonmoving traffic violation.

(2) The registered owner of the motor vehicle shall be responsible for payment of any notice of violation or citation, not to exceed fifty dollars (\$50.00), issued as the result of a camera; except, that the owner shall not be responsible for the violation if the owner submits documentation in accordance with § 55-8-198(e).

(3) Only POST-certified or state-commissioned law enforcement officers shall be authorized to review evidence from a camera and make a determination

as to whether a violation of subsection (a) has occurred. At least once every seventy-two (72) hours, all recorded images from the cameras that are received, obtained, gathered, or stored by the LEA or private vendor, as applicable, shall be downloaded and exported or transmitted by electronic means directly to the appropriate local law enforcement agency. This exporting or transmittal of the images shall be in a version agreed to by the local law enforcement agency, LEA, and, if applicable, the private vendor. In addition to, or in lieu of, exporting or transmitting images to the law enforcement agency, the law enforcement agency may be provided real-time access to the cameras free of charge. Notices of violations or citations shall be sent in accordance with § 55-8-198(b)(1) to the registered owner of the vehicle that was captured by the camera. A citation based solely upon evidence obtained from a camera shall be 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.

(4) The notice of violation or citation shall state the following:

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

(B) The amount of the fine being assessed; and

(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 subdivision (c)(2).

(5) The proceeds from any fine imposed by this subsection for a violation of subsection (a) that is based solely upon evidence obtained from a camera shall be allocated as follows:

(A) Seventy percent (70%) to the LEA 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; and

(B) Thirty percent (30%) to the LEA without being designated for any particular purpose.

(6) No more than one (1) citation shall be issued for each distinct and separate traffic offense in violation of subsection (a) or a municipal ordinance or law that mirrors, substantially duplicates, or incorporates by cross-reference the language of subsection (a).

(7) Any LEA that contracts for transportation services with any persons or entities that own school buses, shall include in each contract a provision requiring the owner to allow the LEA, private vendor, or local law enforcement agency reasonable access to the bus for the purposes of installing, maintaining, or inspecting cameras or obtaining, gathering, or transmitting recorded images from the camera to enforce violations of subsection (a).

(8) As used in this subsection (c):

(A) "Camera" means any device that is capable of:

(i) Producing a digital photograph, recorded video, or other recorded image, including an image of a motor vehicle passing or overtaking a school bus and the vehicle's license plate; and

(ii) Recording the time, date, and location of a vehicle at the time the image is recorded;

(B) "Local education agency" or "LEA" means any county, city, or special school district, unified school district, school district of any metropolitan form of government, or any other school system established by law; and

(C) "School bus" means every motor vehicle owned by a county, city, local board of education, LEA, or private contractor and operated for the transportation of students to or from any public school or public school-related activities.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.