

Amendment No. 1 to HB0268

Howell
Signature of Sponsor

AMEND Senate Bill No. 205*

House Bill No. 268

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

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 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 for the preservation of evidence from a camera. Only POST-certified or state-commissioned law enforcement officers are authorized to review evidence from a camera to determine whether a violation of subdivision (a)(1) has occurred.

(3)

(A) A first 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. The registered owner of the motor vehicle is responsible for payment of any notice of

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violation or citation, not to exceed fifty dollars (\$50.00), for a first offense citation issued as the result of evidence from a camera; provided, that the owner is not responsible for the violation if the owner submits documentation in accordance with § 55-8-198(e).

(B) A second or subsequent 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 a Class A misdemeanor punishable in accordance with subdivision (a)(5)(B); provided, that the state must meet the burden of proof set out in § 39-11-201, and the person charged has no burden to prove innocence. An owner is not responsible for the violation if the owner submits documentation in accordance with § 55-8-198(e).

(4) 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. 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) The notice of violation or citation must 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)(5).

(6)

(A) One hundred percent (100%) of the proceeds from any fine imposed by subdivision (c)(5)(A) that is based solely upon evidence obtained from a school bus camera shall 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.

(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, then the LEA shall create procedures for such reimbursement or compensation and shall maintain records of such reimbursement or compensation.

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

(8) 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 subdivision (a)(1).

(9) Any photograph or video recorded by a camera in accordance with this subsection (c) is admissible as evidence in any proceeding alleging a violation of subsection (a) if the photograph or video meets the standards of admissibility set forth in the Tennessee Rules of Evidence.

(10) 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 the same as defined by § 49-1-103; and

(C) "School bus" means every motor vehicle owned by a county, city, local board of education, LEA, or private contractor that is 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.