



House of Representatives

General Assembly

File No. 625

January Session, 2011

Substitute House Bill No. 6449

House of Representatives, April 26, 2011

The Committee on Judiciary reported through REP. FOX of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE SAFETY OF PERSONS ENTERING OR EXITING A SCHOOL BUS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-279 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) The operator of any vehicle, motor vehicle, or authorized
4 emergency vehicle, as defined in section 14-1, shall immediately bring
5 such vehicle to a stop not less than ten feet from the front when
6 approaching and not less than ten feet from the rear when overtaking
7 or following any registered school bus on any highway or private road
8 or in any parking area or on any school property when such bus is
9 displaying flashing red signal lights, except at the specific direction of
10 a traffic officer. Vehicles so stopped for a school bus shall not proceed
11 until such bus no longer displays flashing red signal lights. At the
12 intersection of two or more highways vehicular turns toward a school
13 bus receiving or discharging passengers are prohibited. The operator
14 of a vehicle upon a highway with separate roadways need not stop

15 upon meeting or passing a school bus which is on a different roadway.

16 (b) Any person who violates any provision of subsection (a) of this
17 section shall be fined not less than one hundred dollars nor more than
18 five hundred dollars for the first offense and for each subsequent
19 offense, not less than five hundred dollars nor more than one thousand
20 dollars or imprisoned not more than thirty days or both.

21 (c) Upon receipt of a written report from any school bus operator or
22 an evidence file from a live digital video school bus violation detection
23 monitoring system, as defined in section 2 of this act, specifying the
24 license plate number, color and type of any vehicle observed by such
25 operator or recorded by a camera affixed to such school bus violating
26 any provision of subsection (a) of this section and the date,
27 approximate time and location of such violation, a police officer shall
28 issue a written warning or a summons to the owner of any such
29 vehicle. A photographic or digital still or video image that clearly
30 shows the license plate number of a vehicle violating any provision of
31 subsection (a) of this section shall be sufficient proof of the identity of
32 such vehicle for purposes of subsection (b) of section 14-107.

33 Sec. 2. (NEW) (*Effective July 1, 2011*) (a) As used in subsection (c) of
34 section 14-279 of the general statutes, as amended by this act, this
35 section and sections 3 and 5 of this act, "live digital video school bus
36 violation detection monitoring system" or "monitoring system" means
37 a system with one or more camera sensors and computers that
38 produce live digital and recorded video images of motor vehicles
39 being operated in violation of section 14-279 of the general statutes, as
40 amended by this act. Such monitoring system shall produce a live
41 visual image that is viewable remotely and a recorded image of the
42 license plate number of a motor vehicle violating said section 14-279.
43 Such recorded image shall indicate the date, time and location of the
44 violation.

45 (b) A municipality or local or regional board of education may
46 install, operate and maintain live digital video school bus violation
47 detection monitoring systems, or may enter into an agreement with a

48 private vendor for the installation, operation and maintenance of such
49 monitoring systems. Such agreement shall provide for the
50 compensation to the vendor for the expense of the monitoring services
51 and cost of equipment provided by the vendor and for the
52 reimbursement of the vendor for the expenses of installing, operating
53 and maintaining the monitoring system. Such agreement shall provide
54 that the vendor shall, on an annual basis, submit a report to such
55 municipality or local or regional board of education that includes, but
56 is not limited to: (1) The total number of citations issued as a result of a
57 violation detected and recorded by the monitoring system, and (2) the
58 total amount of funds collected. The municipality or local or regional
59 board of education shall, within thirty days, submit such report to the
60 joint standing committee of the General Assembly having cognizance
61 of matters relating to transportation.

62 (c) A warning sign shall be posted on all school buses in which a
63 monitoring system is installed and operational indicating the use of
64 such system.

65 (d) A monitoring system shall be installed so as to record images of
66 the license plate number of a motor vehicle only, and shall not record
67 images of the occupants of such motor vehicle or of any other persons
68 or vehicles in the vicinity at the time the images are recorded.

69 Sec. 3. (NEW) (*Effective July 1, 2011*) (a) There is established a school
70 bus camera account which shall be a separate, nonlapsing account
71 within the General Fund. The account shall contain any moneys
72 required by law to be deposited in the account. The funds in the
73 account shall be used by the Office of Policy and Management for
74 grants to reimburse municipalities and local and regional boards of
75 education for (1) the cost of equipping school buses with a live digital
76 video school bus violation detection monitoring system, and (2) the
77 cost of operating and maintaining such system.

78 (b) Any municipality or local or regional board of education that has
79 entered into a contract with a vendor for the installation, operation and
80 maintenance of a live digital video school bus violation detection

81 monitoring system, for not more than ten per cent of the school bus
82 fleet of such municipality or local or regional board of education, and
83 for a period of not more than five years, shall be eligible to receive
84 funds from the school bus camera account for the costs to install,
85 operate and maintain such system.

86 (c) Municipalities and local and regional boards of education shall
87 apply for such funds to the Office of Policy and Management not later
88 than fifteen days after the end of each month. The amount of the
89 reimbursement shall be based on the total cost to such municipality or
90 local or regional board of education for the installation, operation and
91 maintenance of such system. Such cost reimbursement shall include
92 monthly payments for fixed costs associated with the number of buses
93 on which such monitoring system is installed and the corresponding
94 variable administrative fee per month to operate, administer and
95 maintain such program by such municipality or local or regional board
96 of education. Funds shall be paid to municipalities and local and
97 regional boards of education by the thirtieth day of each month, for the
98 preceding month, and shall be based on the cost incurred during such
99 month to install, operate and maintain the program. Funds expended
100 in any one month shall not exceed eighty-five per cent of all amounts
101 paid into the school bus camera account during such month.

102 (d) The Secretary of the Office of Policy and Management may
103 adopt regulations, in accordance with the provisions of chapter 54 of
104 the general statutes, to carry out the provisions of this section.

105 (e) The Secretary of the Office of Policy and Management may
106 receive private donations to said account and any such donations shall
107 be deposited in said account.

108 Sec. 4. (NEW) (*Effective July 1, 2011*) On and after July 1, 2011,
109 eighty-five per cent of all amounts received for any violation of section
110 14-279 of the general statutes, as amended by this act, shall be credited
111 to the school bus camera account established under section 3 of this
112 act.

113 Sec. 5. (NEW) (*Effective July 1, 2011*) (a) Whenever a violation of
114 section 14-279 of the general statutes, as amended by this act, is
115 detected and recorded by a live digital video school bus violation
116 detection monitoring system, a state or municipal police officer shall
117 review the evidence file which shall include two or more digital
118 photographs, recorded video or other recorded images and a signed
119 affidavit of a person who witnessed such violation live. If, after such
120 review, such officer determines that there are reasonable grounds to
121 believe that a violation of said section 14-279 has occurred, such officer
122 shall authorize the issuance of a summons for such alleged violation. If
123 such officer authorizes the issuance of a summons for such alleged
124 violation, the law enforcement agency shall, not later than ten days
125 after the alleged violation, mail a summons to the registered owner of
126 the motor vehicle together with a copy of two or more digital
127 photographs, recorded video or other recorded images and a signed
128 affidavit of a person who witnessed such violation live.

129 (b) As provided in subsection (b) of section 14-107 of the general
130 statutes, proof of the registration number of the motor vehicle therein
131 concerned shall be prima facie evidence that the owner was the
132 operator thereof, except that, in the case of a leased or rented motor
133 vehicle, such proof shall be prima facie evidence that the lessee was the
134 operator thereof.

135 (c) Any person who is alleged to have committed a violation of
136 section 14-279 of the general statutes, as amended by this act, and
137 receives a summons pursuant to subsection (a) of this section shall
138 follow the procedures set forth in section 51-164n of the general
139 statutes.

140 (d) A recorded image produced by a monitoring system shall be
141 sufficient evidence of a violation of section 14-279 of the general
142 statutes, as amended by this act, and shall be admitted without further
143 authentication.

144 (e) All defenses shall be available to any person who is alleged to
145 have committed a violation of section 14-279 of the general statutes, as

146 amended by this act, that is detected and recorded by a monitoring
 147 system, including, but not limited to, that (1) the violation was
 148 necessary to allow the passage of an emergency vehicle, (2) the
 149 violation was necessary to avoid injuring the person or property of
 150 another, (3) the violation was incurred while participating in a funeral
 151 procession, (4) the violation was incurred during a period of time in
 152 which the motor vehicle had been reported as being stolen to an
 153 organized local police department or the state police and had not been
 154 recovered prior to the time of the violation, (5) the operator was
 155 convicted of a violation of section 14-279 of the general statutes, as
 156 amended by this act, for the same incident based upon a separate and
 157 distinct summons issued by a sworn police officer, or (6) the violation
 158 was necessary in order for the operator to comply with any other
 159 general statute or regulation concerning the operation of a motor
 160 vehicle.

161 (f) No recorded image produced by a monitoring system pursuant
 162 to this section may be introduced as evidence in any other civil or
 163 criminal proceedings.

164 (g) A recorded image produced by a monitoring system shall be
 165 destroyed (1) ninety days after the date of the alleged violation if a
 166 summons is not issued for such alleged violation pursuant to
 167 subsection (a) of this section, or (2) upon final disposition of the case to
 168 which it pertains if a summons is issued for such alleged violation
 169 pursuant to subsection (a) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	14-279
Sec. 2	<i>July 1, 2011</i>	New section
Sec. 3	<i>July 1, 2011</i>	New section
Sec. 4	<i>July 1, 2011</i>	New section
Sec. 5	<i>July 1, 2011</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Judicial Dept.	GF - Revenue Loss	126,000	126,000
Policy & Mgmt., Off.	GF - Cost	15,000	15,000
Comptroller Misc. Accounts (Fringe Benefits) ¹	GF - Cost	1,147	1,147
Education, Dept.	GF - See Below	None	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 12 \$	FY 13 \$
Various Local and Regional School Districts	Potential Cost	Potential	Potential
Various Local and Regional School Districts	Revenue Impact	None	Potential

Explanation

Section 1 of the bill makes a definitional change regarding evidence captured by a live digital video school bus violation detection monitoring system, and will not result in a fiscal impact.

Section 2 of the bill allows a local or regional board of education to install, operate, and maintain live digital video school bus violation detection monitoring systems. The cost to local and regional school districts will vary depending on the number of buses they install the equipment on, and the type of monitoring system they purchase. Live digital monitoring systems can range in price from \$1,000 to over \$6,000 per unit². It is assumed that a local or regional board of

¹ The Comptroller's fringe benefit account pays Social Security at a rate of 7.65% for quarter-time staff.

² www.americanbusvideo.com

education would not install such equipment unless they had the funding and resources to do so.

Additionally, any costs incurred by a local or regional district for the purposes of live digital monitoring system may be reimbursed under the Public School Transportation grant. This grant reimburses municipalities based on prior year expenditures, so the municipality would front the cost and would be reimbursed at various rates of reimbursement in the following year. sHB 6380 (the biennial budget), as favorably reported by the Appropriations Committee, caps Public School Transportation at \$25.8 million in FY 12 and \$24.9 million in FY 13, so no new expenses would be incurred by the state, but a redistribution of funds could occur, causing some municipalities to receive additional funds and others to receive less.

Section 3 establishes a school bus camera account within the Office of Policy and Management (OPM). OPM must pay participating towns and school boards monthly for the costs of installing, operating and maintaining the program from the school bus camera account. OPM will incur costs of \$15,000 annually for one quarter-time clerk to administer this program.

Section 4 of the bill would credit 85% of all revenue collected for failure to stop for a school bus to the 'school bus camera account', which would result in a revenue loss of \$126,000³ to the General Fund.

Section 5 of the bill would result in additional hearings before the court. It is anticipated that the number of additional hearings would be minimal, and would not result in additional cost to the Judicial Department.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of

³ In 2010 there were 337 total offenses for failure to stop for a school bus, with \$148,108 in revenue collected.

infractions.

OLR Bill Analysis**sHB 6449*****AN ACT CONCERNING THE SAFETY OF PERSONS ENTERING OR EXITING A SCHOOL BUS.*****SUMMARY:**

By law, drivers must stop at least 10 feet from a school bus displaying flashing red signal lights. This bill allows towns and school boards to install cameras on school buses to record motor vehicles that violate this law, requires police to issue a summons based on the recorded images (see COMMENT), and allows the images to be used as evidence against vehicle owners.

The bill creates a school bus camera account within the General Fund funded primarily from fines paid by violators, and from which the Office of Policy and Management (OPM) must reimburse certain towns and school boards for the costs of installing, operating, and maintaining the camera systems.

EFFECTIVE DATE: July 1, 2011

FAILURE TO STOP FOR A SCHOOL BUS

By law, a motorist who fails to stop for a school bus displaying flashing red signal lights faces a fine of between \$100 and \$500 for a first offense, and between \$500 and \$1,000, imprisonment for up to 30 days, or both, for subsequent offenses.

Police must issue a written warning or summons to the vehicle owner on receiving a school bus driver's written report giving the color, type, and license plate number of a vehicle that violated the law, and the date, approximate time, and location of the violation. By law and under the bill, a violation is processed through the Centralized Infractions Bureau (CIB) (see BACKGROUND).

SCHOOL BUS VIDEO MONITORING SYSTEMS

The bill requires police to issue a written warning or summons upon receiving evidence of a violation from a “live digital video school bus violation detection monitoring system” (monitoring system) mounted on a school bus. Under the bill, a monitoring system must have one or more camera sensors and computers that take live digital and recorded video images of motor vehicles that fail to stop for a school bus displaying flashing red signal lights.

The monitoring system must produce a (1) live visual image that can be viewed remotely and (2) recorded image of the violator’s license plate number. The monitoring system must record only a vehicle’s license plate number; not the vehicle’s occupants or any other person or vehicle. The recorded image must indicate the date, time, and place of the violation.

Under the bill, (1) a photograph or digital or video image that clearly shows the license plate number of a vehicle violating the law or (2) proof of the vehicle’s registration number, is sufficient to identify the vehicle for the purpose of establishing jurisdiction over the vehicle owner (or lessee, if a leased vehicle) in any action based on the violation.

All school buses equipped with an operating monitoring system must display a warning sign to that effect.

Monitoring System Procedures

When a monitoring system detects and records a violation, a state or municipal police officer must review the “evidence file.” The bill does not state how a police officer would learn of a violation or how he or she would obtain the evidence file.

An evidence file must contain (1) at least two digital photos, recorded videotape, or other recorded images and (2) an affidavit signed by someone who witnessed the violation “live” (as it occurred). Thus, a school bus driver may be a witness. But it is not clear if a witness must have been at the location where the violation took place

or may have viewed it remotely through the monitoring system as it occurred.

If, after reviewing the recorded image, a police officer finds reasonable grounds to believe a violation has occurred, he or she must authorize the issuance of a summons. The law enforcement agency (apparently the police department to which the officer belongs) must mail the summons to the vehicle owner within 10 days of the alleged violation. The summons must include copies of at least two digital photos or other recorded images, and the signed affidavit from the witness.

Under the bill, a recorded image produced by a monitoring system is sufficient evidence of a violation, and must be admitted as evidence without further authentication. It is not clear what legal effect this has (see BACKGROUND).

Processing Violations and Available Defenses

The bill permits anyone who receives a summons to enter a guilty plea and pay a fine to the CIB or enter a not guilty plea and request a trial.

It allows someone charged with violating the law to raise any legal defense at trial, including that the:

1. violation was necessary (a) to allow an emergency vehicle to pass, (b) to avoid injuring a person or the property of another, or (c) for the operator to comply with another motor vehicle law or regulation;
2. violation occurred while the driver was in a funeral procession;
3. vehicle was reported stolen and had not been recovered when the violation occurred; or
4. driver was already convicted of illegally passing a school bus based on the same facts.

Under the bill, a recorded image produced by a monitoring system cannot be introduced as evidence in any other civil or criminal proceeding. The bill requires all recorded images of alleged violations to be destroyed no later than (1) 90 days after an alleged violation that did not result in a summons or (2) on the final disposition of a case where a summons was issued.

CONTRACTING WITH VENDORS

Contracting with a Vendor

The bill permits a municipality or school board to install, operate, and maintain the monitoring system, or contract with a private vendor to do so. Such a contract must compensate the vendor for equipment costs and monitoring expenses, and reimburse it for installing, operating, and maintaining the monitoring system.

The contract must require the vendor to report annually to the town or school board on the number of tickets issued as a result of the monitoring system, and the amount of money collected (apparently from fines). The town or school board must submit this information to the Transportation Committee within 30 days. The 30 days apparently runs from the unspecified date the town or school board receives the annual report.

School Bus Camera Account & Disbursements

The bill creates a school bus camera account as a separate, nonlapsing, account in the General Fund. The account consists of private donations the bill authorizes the OPM secretary to receive for this purpose, 85% of the money collected from fines for failing to stop for a school bus, and any other money the law requires.

OPM may use up to 85% of the money in the account in any month to reimburse municipalities and school boards, in the form of grants, for the costs of installing, operating, and maintaining the monitoring systems.

Under the bill a town or school board is eligible for reimbursement from the account if its contract with a vendor calls for the vendor to

install the monitoring systems on no more than 10% of the town's or board's school buses for up to five years. It is not clear if towns or school boards that themselves install, operate, and maintain the monitoring systems are also eligible for these grants.

The bill requires OPM to pay eligible towns and school boards for the costs of installing, operating and maintaining the program (apparently the monitoring system) for the previous month. Towns and school boards must apply to OPM by the 15th of each month, and OPM must pay them by the 30th of each month. For example, a town would apply by November 15 for costs it incurred in October, and OPM must reimburse it for these costs by November 30.

OPM must reimburse a town or school board based on the total cost of the monitoring system, including monthly payments for fixed costs for the buses equipped with the systems, and the corresponding monthly administrative fee to operate, administer, and maintain the program (apparently the system).

The bill authorizes the OPM secretary to adopt regulations to implement the establishment of, and disbursements from, the account.

BACKGROUND

Centralized Infractions Bureau

By law, an individual charged with violating the school bus passing law may pay the fine through the CIB. Payment is considered a plea of *nolo contendere* (no contest) and is not admissible in any civil or criminal proceeding. If an individual elects to plead not guilty, the CIB must send the plea and request for trial to the clerk of the geographical area court where the trial is to take place. The practice, procedure, rules of evidence, and burden of proof applicable in criminal proceedings apply in such a trial (CGS § 51-164n).

Related Case

In *Melendez-Diaz v. Massachusetts* (129 S. Ct. 2527 (2009)) the U.S. Supreme Court held that a defendant was denied his Sixth Amendment right to confrontation because the lower court did not

allow him to question laboratory analysts who signed certificates identifying evidence in the case as cocaine. The certificates were introduced as evidence at trial. (The Sixth Amendment guarantees a criminal defendant the right to cross-examine a witness.)

The Supreme Court ruled that the certificates were “functionally identical to live, in-court testimony, doing precisely what a witness does on direct examination.” The opinion noted that while business documents are generally admissible at trial, this “is not the case if the regularly conducted business . . . is the production of evidence for use at trial.”

“Whether or not they qualify as business or official records,” the opinion stated, “the analysts’ statements here – prepared specifically for use at petitioner’s trial – were testimony against petitioner, and the analysts were subject to confrontation under the Sixth Amendment.”

COMMENT

Section 1 of the bill requires police to issue a warning or summons upon receiving recorded evidence that a vehicle has violated the law. Section 5 requires police to issue a summons, but only if they determine there are reasonable grounds to believe a violation has occurred.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Change of Reference
Yea 36 Nay 0 (03/18/2011)

Judiciary Committee

Joint Favorable Substitute
Yea 40 Nay 3 (04/06/2011)