

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-255—sHB 6449
Transportation Committee
Judiciary Committee

**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. Police must issue a warning or summons on receiving a bus driver's written report of a violation.

This act 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, and allows the images to be used as evidence against vehicle owners.

It fixes the fine for first-time violators at \$450, requires that municipalities receive 80% of the fine revenue, and makes a conforming change.

EFFECTIVE DATE: July 1, 2011

FINES FOR FAILING TO STOP FOR A SCHOOL BUS

The act imposes a \$450 fine, for a first offense, on motorists who fail to stop for a school bus displaying flashing red signal lights. Under prior law, offenders faced a fine of between \$100 and \$500 for a first offense. The law, unchanged by the act, imposes a fine of between \$500 and \$1,000, imprisonment for up to 30 days, or both, for subsequent offenses. By law and under the act, a violation is processed through the Centralized Infractions Bureau (CIB) (CGS § 51-164n, see BACKGROUND).

SCHOOL BUS VIDEO MONITORING SYSTEMS

By law, police must issue a written warning or summons to a vehicle owner on receiving a school bus driver's written report giving the color, type, and license plate number of a vehicle that the bus driver observed violating the law, and the date, approximate time, and location of the violation. The act requires police to also 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). Under the act, a monitoring system must have one or more camera sensors and computers that produce live digital and recorded video images of motor vehicles that fail to properly stop for a school bus.

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.

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

Under the act, a photograph or digital or video image that clearly shows the license plate number of a vehicle violating the law is sufficient to prove the identity of the vehicle and establish that the vehicle owner (or lessee, if a leased vehicle) was operating the vehicle when the violation occurred. Under the act and under existing law, proof of the vehicle's registration number is also prima facie evidence that the vehicle owner or lessee was operating the vehicle when the violation occurred.

Monitoring System Procedures

When a monitoring system detects and records a violation, a state or municipal police officer must review 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 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 act, a recorded image produced by a monitoring system is sufficient evidence of a violation, and must be admitted without further authentication.

PROCESSING VIOLATIONS AND AVAILABLE DEFENSES

The act permits anyone who receives a summons to either 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 failing to stop for a school bus based on the same facts.

Under the act, a recorded image produced by a monitoring system cannot be introduced as evidence in any other civil or criminal proceeding. The act requires all recorded images of alleged violations to be destroyed (1) 90 days after an alleged violation that did not result in a summons or (2) upon the final disposition

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of a case where a summons was issued.

CONTRACTING WITH AND PAYING VENDORS

The act 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. Municipalities or their school boards must pay the vendors with the money they receive from fines under the act (see below).

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.

DISPOSITION OF FINES

The act requires the state to remit 80% of the fines collected from violators to the municipalities in which the violations occur. Municipalities or their school boards must use this money to pay the vendors for installing, operating, and maintaining the monitoring systems.

The state must distribute the remaining fine revenue into the Special Transportation Fund (12% of the total) and the General Fund (8% of the total.) The act requires each Superior Court clerk or the chief court administrator or an official he or she designates to certify to the comptroller the amount of money due for the previous quarter to each town served by the clerk or official. The clerk or official must provide the certification annually by the 30th day of January, April, July, and October.

BACKGROUND

Centralized Infractions Bureau

By law, an individual charged with failing to stop for a school bus may pay the fine through the CIB. Payment is considered a plea of *nolo contendere* and is inadmissible 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).

OLR Tracking: PF:JK:JL:ro/ts