



Senate

General Assembly

File No. 265

February Session, 2024

Substitute Senate Bill No. 420

Senate, April 4, 2024

The Committee on Public Safety and Security reported through SEN. GASTON of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ILLEGALLY PASSING 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 Section 14-279 of the general statutes is repealed and the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, 2024*):

3 (a) The operator of any vehicle or motor vehicle, including an
4 authorized emergency vehicle, as defined in section 14-1, shall
5 immediately bring such vehicle to a stop not less than ten feet from the
6 front when approaching and not less than ten feet from the rear when
7 overtaking or following any registered school bus on any highway or
8 private road or in any parking area or on any school property when such
9 bus is displaying flashing red signal lights, except at the specific
10 direction of a traffic officer. Vehicles so stopped for a school bus shall
11 not proceed until such school bus no longer displays flashing red signal
12 lights, except that a stopped authorized emergency vehicle may proceed
13 as long as such authorized emergency vehicle is operated pursuant to
14 section 14-283. At the intersection of two or more highways vehicular
15 turns toward a school bus receiving or discharging passengers are

16 prohibited. The operator of a vehicle upon a highway with [separate
17 roadways need not stop] two or more lanes for traffic separated by a
18 safety island or physical barrier may proceed without stopping upon
19 meeting or passing a school bus which is on [a different roadway] the
20 opposite side of such island or barrier.

21 (b) Any person who violates any provision of subsection (a) of this
22 section shall be fined four hundred fifty dollars for the first offense and
23 for each subsequent offense, not less than five hundred dollars nor more
24 than one thousand dollars or imprisoned not more than thirty days or
25 both.

26 (c) Upon receipt of a written report from any school bus operator
27 specifying the [license plate] number plate, color and type of any vehicle
28 observed by such operator violating any provision of subsection (a) of
29 this section and the date, approximate time and location of such
30 violation, a police officer shall issue a written warning or a summons to
31 the owner of any such vehicle.

32 Sec. 2. Section 14-279a of the general statutes is repealed and the
33 following is substituted in lieu thereof (*Effective July 1, 2024*):

34 (a) As used in this section, [and] section 14-279b, as amended by this
35 act, ["live digital video school bus violation detection monitoring
36 system"] and section 4 of this act, "digital video school bus violation
37 detection monitoring system" or "monitoring system" means a system
38 with one or more camera sensors and computers that produce: [live
39 digital] (1) Digital and recorded video images of motor vehicles being
40 operated in violation of section 14-279, as amended by this act, [. A
41 monitoring system shall produce a live] (2) a visual image that is
42 viewable remotely and a recorded image of the [license plate] number
43 plate of a motor vehicle violating section 14-279, as amended by this act,
44 [. Such] and (3) a recorded image [shall indicate] that indicates the date,
45 time and location of the violation.

46 (b) A municipality or local or regional board of education may install,
47 operate and maintain [live] digital video school bus violation detection

48 monitoring systems, [or] and may enter into an agreement with a
49 private vendor for the installation, operation and maintenance of such
50 monitoring systems on all registered school buses, whether owned,
51 contracted or leased by such local or regional board of education. Such
52 agreement shall provide for the compensation to the vendor for the
53 expense of the monitoring services and cost of equipment provided by
54 the vendor and for the reimbursement of the vendor for the expenses of
55 installing, operating and maintaining the monitoring system. Such
56 agreement shall provide that the vendor shall, on an annual basis,
57 submit a report to such municipality [or] and local or regional board of
58 education that includes, but is not limited to: (1) The total number of
59 citations issued as a result of a violation detected and recorded by the
60 monitoring system, and (2) the total amount of funds collected. The
61 municipality [or local or regional board of education] shall, within thirty
62 days, submit such report to the joint standing [committee] committees
63 of the General Assembly having cognizance of matters relating to
64 transportation and public safety and security. A municipality or local or
65 regional board of education serving a municipality that has entered into
66 an agreement with a private vendor for the installation, operation and
67 maintenance of a [live] digital video school bus violation detection
68 monitoring system [shall] may use amounts remitted to such
69 municipality in accordance with subsection (e) of section 51-56a, in
70 respect to the violation of section 14-279, as amended by this act, [to
71 reimburse] or from fines imposed by such municipality in accordance
72 with an ordinance adopted pursuant to section 4 of this act, to
73 compensate the private vendor for the expenses for installing, operating
74 and maintaining the monitoring system.

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

78 (d) A monitoring system shall be installed to the extent practicable so
79 as to record images of the number plate of a motor vehicle only, and
80 shall not record images of the occupants of such motor vehicle or of any
81 other persons or vehicles in the vicinity at the time the images are

82 recorded. A summons issued under subsection (c) of section 14-279, as
83 amended by this act, or a citation issued under an ordinance adopted
84 pursuant to section 4 of this act may not be dismissed solely because a
85 recorded video or digital still image reveals images of such occupants
86 or other persons or vehicles, as long as reasonable effort has been made
87 to comply with the provisions of this subsection.

88 Sec. 3. Section 14-279b of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective July 1, 2024*):

90 (a) Whenever a violation of section 14-279, as amended by this act, is
91 detected and recorded by a [live] digital video school bus violation
92 detection monitoring system, a state or municipal police officer shall
93 review the evidence file which shall include two or more digital
94 photographs, recorded video or other recorded images. If, after such
95 review, such officer determines that there are reasonable grounds to
96 believe that a violation of section 14-279, as amended by this act, has
97 occurred, such officer shall authorize the issuance of a summons for
98 such alleged violation. If such officer authorizes the issuance of a
99 summons for such alleged violation, the law enforcement agency shall,
100 not later than thirty days after the alleged violation, mail a summons to
101 the registered owner of the motor vehicle together with a copy of two or
102 more digital photographs, recorded video or other recorded images.

103 (b) As provided in subsection (b) of section 14-107, proof of the
104 registration number of the motor vehicle therein concerned shall be
105 prima facie evidence that the owner was the operator thereof, except
106 that, in the case of a leased or rented motor vehicle, such proof shall be
107 prima facie evidence that the lessee was the operator thereof. A
108 photographic or digital still or video image that clearly shows the
109 number plate of a vehicle violating section 14-279, as amended by this
110 act, shall be sufficient proof of the identity of such vehicle for purposes
111 of subsection (b) of section 14-107.

112 (c) Any person who is alleged to have committed a violation of
113 section 14-279, as amended by this act, and receives a summons
114 pursuant to subsection (a) of this section shall follow the procedures set

115 forth in section 51-164n.

116 (d) A digital still or recorded image produced by a monitoring system
117 shall be sufficient evidence of a violation of section 14-279, as amended
118 by this act, and shall be admitted without further authentication.

119 (e) All defenses shall be available to any person who is alleged to have
120 committed a violation of section 14-279, as amended by this act, that is
121 detected and recorded by a monitoring system, including, but not
122 limited to, that (1) the violation was necessary to allow the passage of
123 an emergency vehicle, (2) the violation was necessary to avoid injuring
124 the person or property of another, (3) the violation was incurred while
125 participating in a funeral procession, (4) the violation was incurred
126 during a period of time in which the motor vehicle had been reported
127 as being stolen to an organized local police department or the state
128 police and had not been recovered prior to the time of the violation, (5)
129 the operator was convicted of a violation of section 14-279, as amended
130 by this act, for the same incident based upon a separate and distinct
131 summons issued by a sworn police officer, or (6) the violation was
132 necessary in order for the operator to comply with any other general
133 statute or regulation concerning the operation of a motor vehicle.

134 (f) No recorded image produced by a monitoring system pursuant to
135 this section may be introduced as evidence in any other civil or criminal
136 proceedings, except for a proceeding under an ordinance adopted
137 pursuant to section 4 of this act.

138 (g) A [recorded] digital still or video image produced by a monitoring
139 system shall be destroyed [(1) ninety] the later of: (1) Ninety days after
140 the date of the [alleged violation if a summons is not issued for such
141 alleged violation pursuant to subsection (a) of this section] creation of
142 such digital still or video image, or (2) upon final disposition of [the case
143 to which it pertains if a summons is issued for such alleged violation
144 pursuant to subsection (a) of this section] a case brought pursuant to a
145 summons issued for a violation of subsection (a) of section 14-279b, as
146 amended by this act, or a citation issued for a violation of an ordinance
147 adopted in accordance with section 4 of this act, to which such digital

148 still or video image pertains.

149 Sec. 4. (NEW) (*Effective July 1, 2024*) (a) Any municipality, as defined
150 in section 7-148 of the general statutes, may, by vote of its legislative
151 body, adopt an ordinance to authorize the use of a digital video school
152 bus violation detection monitoring system to enforce the provisions of
153 subsection (a) of section 14-279 of the general statutes, as amended by
154 this act. Any ordinance adopted pursuant to this subsection shall,
155 subject to the procedures described in this section, establish hearing and
156 collection procedures, including the provision of in-person and virtual
157 hearings, and establish a fine to be imposed upon the owner or operator
158 of a motor vehicle committing a violation of such ordinance in the
159 amount of two hundred fifty dollars. Any such ordinance may require
160 proof of a violation by a preponderance of the evidence. The proceeds
161 of any fines collected pursuant to such an ordinance may be collected
162 by the municipality or its designated agent and shall be credited to the
163 municipality.

164 (b) (1) Upon receipt of an evidence file from a digital video school bus
165 violation detection monitoring system that captures an alleged violation
166 of an ordinance adopted pursuant to subsection (a) of this section, a
167 police officer or authorized municipal employee shall review such file.
168 If such officer or employee has reasonable grounds to believe that such
169 a violation occurred and such file captures the number plate, color and
170 type of vehicle allegedly violating such ordinance and the date,
171 approximate time and location of such violation, such officer or
172 employee shall issue a written warning or citation to the owner of such
173 vehicle.

174 (2) A police officer or authorized municipal employee may only issue
175 a citation pursuant to subdivision (1) of this section not later than thirty
176 days after the date of the alleged violation. Such officer or employee
177 shall electronically certify such citation, and the municipality, or its
178 designated agent, shall send, by first class mail, a copy of the citation to
179 the owner of the motor vehicle observed in the alleged violation within
180 such thirty-day period. The citation shall include: (A) The name and

181 address of the owner of the motor vehicle; (B) the number plate of the
182 motor vehicle; (C) the ordinance allegedly violated; (D) the date,
183 location and time of the alleged violation; (E) a copy of or information
184 on how to view, through electronic means, the recorded images
185 described in this section; (F) a statement or electronically generated
186 affirmation by the police officer or authorized employee who reviewed
187 the recorded images and determined that the motor vehicle violated an
188 ordinance adopted pursuant to subsection (a) of this section; (G) the fine
189 imposed pursuant to the ordinance; (H) notice of the right to contest the
190 citation and instructions for how to request an in-person or virtual
191 hearing pursuant to the ordinance; and (I) information advising the
192 owner of the motor vehicle of the procedure for disclaiming liability by
193 submitting an affidavit as described in subsection (h) of this section to
194 the municipality or its designated agent.

195 (c) A certificate or facsimile of a certificate of the review of the
196 evidence produced by the digital video school bus violation detection
197 monitoring system, sworn to by the police officer or authorized
198 municipal employee who conducted such review, shall be prima facie
199 evidence of the facts contained in such certificate.

200 (d) A manual or automated record of the mailing of a citation
201 pursuant to subdivision (2) of subsection (b) of this section, prepared by
202 the police officer, authorized employee or vendor in the ordinary course
203 of business, shall be prima facie evidence of such mailing and shall be
204 admissible in any hearing conducted pursuant to an ordinance adopted
205 in accordance with subsection (a) of this section as to the facts contained
206 in the citation.

207 (e) As provided in subsection (b) of section 14-107 of the general
208 statutes, proof of the registration number of the motor vehicle therein
209 concerned shall be prima facie evidence that the owner was the operator
210 thereof, except that, in the case of a leased or rented motor vehicle, such
211 proof shall be prima facie evidence that the lessee was the operator
212 thereof. A photographic or digital still or video image that clearly shows
213 the number plate of a vehicle violating an ordinance adopted pursuant

214 to subsection (a) of this section shall be sufficient proof of the identity of
215 such vehicle for purposes of subsection (b) of section 14-107 of the
216 general statutes.

217 (f) A digital still or video image produced by a monitoring system
218 shall be sufficient evidence of a violation of an ordinance adopted
219 pursuant to subsection (a) of this section and shall be admitted at a
220 citation hearing proceeding without further authentication.

221 (g) All defenses shall be available to any person who is alleged to
222 have committed a violation of an ordinance adopted pursuant to
223 subsection (a) of this section, including, but not limited to, that (1) the
224 violation was necessary to allow the passage of an emergency vehicle,
225 (2) the violation was necessary to avoid injuring the person or property
226 of another, (3) the violation was incurred while participating in a funeral
227 procession, (4) the violation was incurred during a period of time in
228 which the motor vehicle had been reported as being stolen to an
229 organized local police department or the state police and had not been
230 recovered prior to the time of the violation, (5) the operator was
231 convicted of a violation of section 14-279 of the general statutes, as
232 amended by this act, for the same incident based upon a separate and
233 distinct summons issued by a sworn police officer, or (6) the violation
234 was necessary in order for the operator to comply with any other
235 general statute or regulation concerning the operation of a motor
236 vehicle.

237 (h) Not later than thirty days after the mailing of a citation pursuant
238 to subdivision (2) of subsection (b) of this section, the owner of a motor
239 vehicle may submit a notarized affidavit, executed by such owner and
240 the operator of such vehicle at the time of the alleged violation, stating
241 that such operator is the party who may be responsible for the alleged
242 violation and providing the name and address of such operator. If the
243 municipality or its designated agent receives such an affidavit, the
244 municipality shall mail a citation to such operator.

245 (i) No recorded image produced by a monitoring system pursuant to
246 this section may be introduced as evidence in any other civil or criminal

247 proceedings, except for a proceeding for a violation of section 14-279 of
248 the general statutes, as amended by this act.

249 (j) A digital still or video image produced by a monitoring system
250 shall be destroyed the later of: (1) Ninety days after the date of the
251 creation of such digital still or video image, or (2) upon final disposition
252 of a case brought pursuant to a summons issued for a violation of
253 subsection (a) of section 14-279b of the general statutes, as amended by
254 this act, or a citation issued for a violation of an ordinance adopted in
255 accordance with this section, to which such digital still or video image
256 pertains.

257 (k) Violations of an ordinance adopted pursuant to this section shall
258 not be made part of the driving record of such owner and may not be
259 used for any purpose in the provision of a motor vehicle insurance
260 policy.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	14-279
Sec. 2	July 1, 2024	14-279a
Sec. 3	July 1, 2024	14-279b
Sec. 4	July 1, 2024	New section

Statement of Legislative Commissioners:
In Section 2(d), "such images," was changed to "images of such occupants or other persons or vehicles," for clarity; in Section 3(a), "live digital video" was changed to "[live] digital video" for consistency; in Section 4(f), "recorded image" was changed to "video image" for consistency; and in Section 4(j), "section 4 of this act" was changed to "this section" for clarity.

PS *Joint Favorable Subst.*

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 25 \$	FY 26 \$
Resources of the General Fund	GF - Potential Revenue Loss	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 25 \$	FY 26 \$
Various Municipalities	Potential Revenue Gain	See Below	See Below
Various Municipalities	Potential Revenue Loss	See Below	See Below

Explanation

The bill makes various changes to laws regarding passing a school bus that results in various impacts described below.

There is a potential revenue loss to the state and municipalities beginning in FY 25 to the extent less fines are issued.¹ The bill establishes certain conditions under which drivers can pass a school bus and removes the requirement that images from school bus monitoring systems are live.

Municipalities may also realize a potential revenue gain beginning in FY 25. The bill allows municipalities to adopt an ordinance to enforce laws for passing a school bus but requires that they establish a \$250 fine for violating it. To the extent municipalities adopt this ordinance and violations occur there will be a potential revenue gain.

¹ In FY 23, \$288,035 was collected for similar offenses.

The bill permits instead of requires fines collected from certain violations go to private vendors. This results in greater flexibility for how these funds may be spent beginning in FY 25.

The Out Years

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

OLR Bill Analysis**sSB 420*****AN ACT CONCERNING ILLEGALLY PASSING A SCHOOL BUS.*****SUMMARY**

This bill makes several changes relating to Connecticut's motor vehicle law that generally prohibits drivers from passing a school bus that has its red signal lights flashing (a.k.a. the "stop arm law" since a stop-sign shaped "arm" extends from the left side of a bus when its red lights are activated). Principally, it:

1. expressly allows municipalities to adopt ordinances that authorize the use of a digital video school bus violation detection monitoring system (i.e., monitoring system) to enforce the stop arm law and establish \$250 municipal fines for violations (§ 4);
2. modifies several aspects regarding the existing authorization for municipalities and boards of education to use monitoring systems, including requiring that agreements with private vendors supply systems to all registered school buses and allowing instead of requiring fines collected for stop arm law violations go to compensate a private vendor (§§ 2 & 3); and
3. changes current law that allows a vehicle to pass a school bus displaying its flashing red signal lights on a separate road to specify that the two vehicles must be separated by a safety island or physical barrier (§ 1).

The bill also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2024

§ 1 — PASSING BUSES ON SEPARATE TRAFFIC LANE

By law, when a driver approaches a school bus displaying its flashing red signal lights on a public or private road, off-street parking lot open to the public, or any school property, the driver must immediately stop his or her vehicle at least 10 feet from the front or rear of the bus and remain stopped until the bus no longer displays its red signal lights, unless otherwise directed by a traffic officer.

However, the bill allows drivers on public roads with at least two lanes for traffic separated by a safety island or physical barrier to drive without stopping when meeting or passing a school bus that is on the opposite side of the island or barrier. This replaces a similar allowance under current law that permits drivers on public roads with separate roadways to not stop when meeting or passing a school bus that is on a different roadway.

§§ 2 & 3 — MONITORING SYSTEMS AUTHORIZED BY STATUTE

Monitoring System Definition Changes

The bill removes the requirement that school bus monitoring systems produce digital, recorded video, and visual images that are “live” and makes other minor and conforming changes.

Effectively, under the bill, the “monitoring system” is a system with one or more camera sensors and computers that produce:

1. digital and recorded video images of vehicles being driven in violation of the stop arm law;
2. a visual image, viewable remotely, and a recorded image of the violating vehicle’s number plate; and
3. a recorded image that indicates the violation’s date, time, and location.

Authorization and Private Vendor Agreements

Under existing law, a municipality or local or regional board of education may install, operate, and maintain monitoring systems and enter into an agreement with a private vendor for installing, operating,

and maintaining them. The bill limits the second authorization by only allowing agreements where the vendor provides these monitoring system services on all registered school buses, whether owned, contracted, or leased by the board of education.

By law, private vendor agreements must also require the vendor to report annually on the number of tickets issued as a result of the monitoring system and the amount of money collected. Under current law, the vendor's report must be submitted to the municipality or board of education, and the municipality or board of education must forward it to the Transportation Committee within 30 days. The bill instead requires the vendor to send its report to both the municipality and board of education, and the municipality to forward it to both the Transportation and Public Safety and Security committees within 30 days.

Use of Stop Arm Law Fines

The bill allows instead of requires certain remitted amounts a municipality receives due to stop arm law violations be given to private vendors.

Under existing law, stop arm law violators face a penalty of (1) a \$450 fine for a first offense and (2) for a subsequent offense, a fine of \$500 to \$1,000, 30 days in prison, or both. By law, the state must remit 80% of the fines collected from violators to the municipalities in which the violations occur.

Under current law, if a municipality or board of education has a private vendor monitoring system agreement, then the municipality must use these remitted amounts to reimburse the private vendor its service expenses. The bill instead allows municipalities to use these amounts, as well as the fines they collect from municipal ordinances adopted under the bill (see § 4 below), to compensate vendors for service expenses.

Recorded Images and Occupants

The bill makes two changes affecting protections in existing law for vehicle occupants.

First, under current law, monitoring systems must be installed in such a way that only a vehicle's license plate number is recorded, but the bill changes this so that it only requires that the installation be done this way to the extent practicable.

Second, under existing law, monitoring systems are prohibited from recording images of vehicle occupants or other people or vehicles in the vicinity at the time of recording. The bill provides that a summons issued under the stop arm law, or a citation issued under a municipal ordinance adopted under the bill (see § 4 below), may not be dismissed solely because a recorded video or digital still image reveals images of the occupants or other people or vehicles, as long as reasonable effort has been made to comply with the above two requirements.

Evidence File

The bill specifies that digital stills produced by monitoring systems are sufficient evidence of a stop arm law violation and must be admitted without further authentication. This is already the case under existing law for a system's recorded images.

The bill makes related changes regarding the application of the law's destruction rules so that they apply to digital still or video images rather than recorded ones.

§§ 2 & 4 — MONITORING SYSTEMS AUTHORIZED BY MUNICIPAL ORDINANCE***Ordinance Requirements and Other Conditions***

Existing law empowers municipalities to regulate the operation and speed of vehicles, subject to state statutes (CGS § 7-148(c)(7)(B)). The bill specifically allows any municipality to, by vote of its legislative body, adopt an ordinance to authorize the use of a monitoring system to enforce the stop arm law. (The bill extends its "monitoring system" definition to this authorization and its other provisions.)

Any ordinance adopted under the bill must, subject to the bill's procedures, establish hearing and collection procedures, including in-person and virtual hearings. The ordinance must also establish a \$250 fine to be imposed against the owner or operator of a motor vehicle for violating it.

Under the bill, an ordinance may require proof of a violation by a preponderance of the evidence and either the municipality or its designated agent may collect the fines under the ordinance. Fines must be credited to the municipality.

Reviewing Evidence File and Issuing Warnings and Citations

Under the bill, when a monitoring system's evidence file captures an alleged ordinance violation, police officers and authorized municipal employees must review the file when they receive it. If the officer or employee has reasonable grounds to believe that a violation occurred and the file captures the number plate, color, and type of vehicle allegedly violating the ordinance and the date, approximate time, and location of the violation, then that officer or employee must issue a written warning or citation to the vehicle's owner.

The bill limits issuing citations to within 30 days after the date of the alleged violation. It requires the officer or employee to electronically certify the citation, and the municipality, or its designated agent, to send, by first class mail, a copy of the citation to the owner of the vehicle observed in the alleged violation within the 30-day period. The citation must include:

1. the vehicle owner's name and address;
2. the vehicle's number plate;
3. the alleged violation's date, location, and time;
4. a copy of or information on how to view, through electronic means, the monitoring system's recorded images;
5. a statement or electronically generated affirmation by the police

officer or authorized employee who reviewed the recorded images and determined that the vehicle violated the municipality's ordinance;

6. the fine imposed under the ordinance;
7. notice of the right to contest the citation and instructions for how to request an in-person or virtual hearing under the ordinance; and
8. information advising the vehicle owner of the procedure for disclaiming liability by submitting an affidavit to the municipality or its designated agent (see below).

Evidence Treatments

Under the bill, a certificate of the review of the evidence produced by the monitoring system (or a copy of this certificate), sworn to by the police officer or authorized municipal employee who conducted the review, is prima facie evidence (i.e., a preliminary showing that can be overcome by other evidence) of the facts contained in the certificate.

Additionally, a manual or automated record of the mailing of a citation, prepared by the police officer, authorized employee, or vendor in the ordinary course of business, is prima facie evidence of the mailing and admissible in any hearing done under the ordinance as to the facts contained in the citation.

Further, as under other existing law, proof of the vehicle's registration number is prima facie evidence that the owner was the driver, except that, in the case of a leased or rented motor vehicle, the proof is prima facie evidence that the lessee was the driver. A photographic or digital still or video image that clearly shows the vehicle's number plate violating the ordinance is sufficient proof of the vehicle's identity.

Lastly, the bill provides that a monitoring system-produced digital still or video image will be sufficient evidence of an ordinance violation

and must be admitted at a citation hearing proceeding without further authentication.

Available Defenses

For any person who is alleged to have violated the ordinance, the bill requires that all defenses be available to him or her, including that:

1. the violation was necessary to allow the passage of an emergency vehicle, avoid injuring the person or property of another, or comply with another motor vehicle law;
2. the violation was incurred while participating in a funeral procession;
3. the vehicle had been reported as being stolen to local or state police and had not been recovered before the time of the violation; or
4. the driver was convicted of a stop arm law violation for the same incident based on a separate and distinct summons issued by a sworn police officer.

Additionally, within 30 days after the mailing of a citation, the vehicle owner may submit a notarized affidavit, executed by the vehicle's owner and driver at the time of the alleged violation, stating that the driver is the party who may be responsible for the alleged violation and providing the driver's name and address. If the municipality or its designated agent receives this affidavit, the municipality must mail a citation to the driver.

Other Effects and Destruction of Images

The bill prohibits introducing monitoring system-produced recorded images as evidence in any other civil or criminal proceeding, except for a stop arm law violation proceeding.

Under the bill, monitoring system-produced digital stills and video images must be destroyed (1) 90 days after the date the still or image was created or (2) upon the final disposition of a case where a summons

was issued for a stop arm law violation or where a citation was issued for an ordinance violation, whichever is later.

The bill further prohibits ordinance violations from being made part of an owner's driving record or used for any motor vehicle insurance policy purpose.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/19/2024)