

FIRST REGULAR SESSION

# HOUSE BILL NO. 228

## 97TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES SOMMER (Sponsor),  
MAYFIELD AND ENGLISH (Co-sponsors).

0748L.01I

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To amend chapter 160, RSMo, by adding thereto one new section relating to automated school bus safety cameras.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 160, RSMo, is amended by adding thereto one new section, to be  
2 known as section 160.2125, to read as follows:

3 **160.2125. 1. School districts may install and operate automated school bus safety**  
4 **cameras on school buses to be used for the detection of violations of section 304.050 if the**  
5 **use of the cameras is approved by a vote of the school district board of directors. School**  
6 **districts are not required to take school buses out of service if the buses are not equipped**  
7 **with automated school bus safety cameras or functional automated safety cameras.**  
8 **Further, school districts shall be held harmless from and not liable for any criminal or civil**  
9 **liability arising under the provisions of this section.**

10 **2. Automated school bus safety cameras may only take pictures of the vehicle and**  
11 **vehicle license plate and only while an infraction is occurring. The picture shall not reveal**  
12 **the face of the driver or of passengers in the vehicle.**

13 **3. A notice of infraction shall be mailed to the registered owner of the vehicle within**  
14 **fourteen days of the violation, or to the renter of a vehicle within fourteen days of**  
15 **establishing the renter's name and address under subsection 8 of this section. The law**  
16 **enforcement officer issuing the notice of infraction shall include a certificate or facsimile**  
**of the notice, based upon inspection of photographs, microphotographs, or electronic**  
**images produced by an automated school bus safety camera, stating the facts supporting**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 the notice of infraction. This certificate or facsimile is prima facie evidence of the facts  
18 contained in it and is admissible in a proceeding charging a violation under this section.  
19 The photographs, microphotographs, or electronic images evidencing the violation shall  
20 be available for inspection and admission into evidence in a proceeding to adjudicate the  
21 liability for the infraction. A person receiving a notice of infraction based on evidence  
22 detected by an automated school bus safety camera may respond to the notice by mail.

23 **4. In a traffic case involving an infraction detected through the use of an automated**  
24 **school bus safety camera under this section, proof that the particular vehicle described in**  
25 **the notice of traffic infraction was in violation of any provision of section 304.050, together**  
26 **with proof that the person named in the notice of traffic infraction was at the time of the**  
27 **violation the registered owner of the vehicle constitutes in evidence a prima facie**  
28 **presumption that the registered owner of the vehicle was the person in control of the**  
29 **vehicle at the point where, and for the time during which, the violation occurred. This**  
30 **presumption may be overcome only if the registered owner states, under oath, in a written**  
31 **statement to the court or in testimony before the court that the vehicle involved was at the**  
32 **time, stolen or in the care, custody, or control of some person other than the registered**  
33 **owner, or in the case of a rental car business, the business satisfies the conditions of**  
34 **subsection 8 of this section. If appropriate under the circumstances, a renter identified**  
35 **under subsection 8 of this section is responsible for an infraction.**

36 **5. Notwithstanding any other provision of law, all photographs, microphotographs,**  
37 **or electronic images prepared under this section are for the exclusive use of law**  
38 **enforcement in the discharge of duties under this section and are not open to the public and**  
39 **may not be used in a court in a pending action or proceeding unless the action or**  
40 **proceeding relates to a violation under this section. No photograph, microphotograph, or**  
41 **electronic image may be used for any purpose other than enforcement of violations under**  
42 **this section nor retained longer than necessary to enforce this section.**

43 **6. If a school district installs and operates an automated school bus safety camera**  
44 **under this section, the compensation paid to the manufacturer or vendor of the equipment**  
45 **used shall be based only upon the value of the equipment and services provided or**  
46 **rendered in support of the system, and may not be based upon a portion of the fine or civil**  
47 **penalty imposed or the revenue generated by the equipment. Further, any repair,**  
48 **replacement, or administrative work costs related to installing or repairing automated**  
49 **school bus safety cameras shall be solely paid for by the manufacturer or vendor of the**  
50 **cameras. Before entering into a contract with the manufacturer or vendor of the**  
51 **equipment used under this section, the school district shall follow a competitive bid**  
52 **process.**

53           **7. Any revenue collected from infractions detected through the use of automated**  
54 **school bus safety cameras, less the administration and operating costs of the cameras, shall**  
55 **be remitted to the local school district where the violation occurred and shall not be**  
56 **distributed through the school funding mechanisms of section 163.031. Funds received**  
57 **shall be used by the local school district for:**

- 58           **(1) School safety zone projects;**  
59           **(2) Pedestrian safety projects; and**  
60           **(3) Defraying the cost of installing and operating the cameras.**

61

62 **The administration and operating costs of the cameras includes infraction enforcement and**  
63 **processing costs that are incurred by local law enforcement or local courts.**

64           **8. If the registered owner of the vehicle is a rental car business, the law enforcement**  
65 **agency shall, before a notice of infraction is issued under this section, provide a written**  
66 **notice to the rental car business that a notice of infraction may be issued to the rental car**  
67 **business if the rental car business does not, within eighteen days of receiving the written**  
68 **notice, provide to the issuing agency by return mail:**

69           **(1) A statement under oath stating the name and known mailing address of the**  
70 **individual driving or renting the vehicle when the infraction occurred;**

71           **(2) A statement under oath that the business is unable to determine who was**  
72 **driving or renting the vehicle at the time the infraction occurred because the vehicle was**  
73 **stolen at the time of the infraction. A statement provided under this subdivision shall be**  
74 **accompanied by a copy of a filed police report regarding the vehicle theft; or**

75           **(3) In lieu of identifying the vehicle operator, the rental car business may pay the**  
76 **applicable penalty.**

77           **9. Timely mailing of a statement under subsection 8 of this section to the issuing law**  
78 **enforcement agency relieves a rental car business of any liability under this section for the**  
79 **notice of infraction.**

80           **10. For purposes of this section, "automated school bus safety camera" means a**  
81 **device that is affixed to a school bus that is synchronized to automatically record one or**  
82 **more sequenced photographs, microphotographs, or electronic images of the rear of a**  
83 **vehicle at the time the vehicle is detected for an infraction identified in section 304.050.**

84           **11. The department of transportation may promulgate all necessary rules and**  
85 **regulations for the administration of this section. Any rule or portion of a rule, as that**  
86 **term is defined in section 536.010, that is created under the authority delegated in this**  
87 **section shall become effective only if it complies with and is subject to all of the provisions**  
88 **of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**

89 **nonseverable and if any of the powers vested with the general assembly pursuant to**  
90 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**  
91 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**  
92 **proposed or adopted after August 28, 2013, shall be invalid and void.**

✓