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LC01717/SUB A/3
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- SCHOOL BUS SAFETY
ENFORCEMENT

Introduced By: Representatives O'Neill, Petrarca, and Sullivan

Date Introduced: February 26, 2008

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER
2 VEHICLES" is hereby amended by adding thereto the following chapter:

3 CHAPTER 51

4 SCHOOL BUS SAFETY ENFORCEMENT

5 **31-51-1. Short title.** -- This chapter shall be known and may be cited as the "School Bus
6 Safety Enforcement Act."

7 **31-51-2. Live digital video school bus violation detection monitoring systems.** -- (a)
8 All school departments of this state are hereby authorized to install and operate live digital video
9 school bus violation detection monitoring systems. Such systems shall, at a minimum, be systems
10 which monitor and detect school bus traffic violations. For purposes of this chapter a live digital
11 video school bus violation detection monitoring system means a system with one or more camera
12 sensors and computers which produce live digital and recorded video of motor vehicles being
13 operated in violation of school bus traffic laws. All systems installed for use under this chapter
14 must, at a minimum, produce a live visual image viewable remotely, a recorded image of the
15 license plate, and be able to record the time, date, and location of the vehicle, and a signed
16 affidavit by a person who witnessed the violation via live video.

17 (b) The school departments may enter into an agreement with a private corporation or
18 other entity to provide live digital video school bus violation detection monitoring systems and to

1 maintain and operate such systems. Compensation to the private entity that provides such
2 systems and related support services shall not be based on the revenue generated by the system.
3 Compensation to the vendor of the system shall be based on the expense of the services and the
4 equipment provided by the vendor of the system. Such reimbursement shall be made from ticket
5 revenue proceeds from paid violations of school bus traffic law as allocated pursuant to section
6 31-51-5; provided, if the allocation to the vendor under section 31-51-5 is insufficient to meet the
7 vendor's costs and expenses, the vendor may not bill the municipality or the state for any shortfall
8 between its allocated payments and the vendor's costs and expenses.

9 **31-51-2. Installation and signage.** – (a) All vehicles installed with a live digital video
10 school bus violation detection monitoring system shall post a warning sign indicating the use of
11 such system.

12 (b) Warning signage shall remain on each vehicle as long as a live digital video school
13 bus violation detection monitoring system is in operation.

14 **31-51-3. Procedure -- Notice.** -- (a) Except as expressly provided in this chapter, all
15 prosecutions based on evidence produced by a live digital video school bus violation detection
16 monitoring system shall follow the procedures established in chapter 41.1 of this title, chapter 8-
17 18 of the general laws and the rules promulgated by the chief judge of the district court for the
18 hearing of civil traffic violations in the traffic tribunal. Citations may be issued by an officer
19 solely based on evidence obtained by use of a live digital video school bus violation detection
20 monitoring system. All citations issued based on evidence obtained from a live digital video
21 school bus violation detection monitoring system shall be issued within seven (7) days of the
22 violation. Notwithstanding any provisions of the general laws to the contrary, exclusive
23 jurisdiction to hear and decide any violation under this chapter shall be with the traffic tribunal.

24 (b) It shall be sufficient to commence a prosecution based on evidence obtained from a
25 live digital video school bus violation detection monitoring system. A copy of the citation and
26 supporting documentation shall be mailed to the address of the registered owner kept on file by
27 the registry of motor vehicles pursuant to section 31-3-34. For purposes of this section, the date
28 of issuance shall be the date of mailing.

29 (c) The officer issuing the citation shall certify under penalties of perjury that the
30 evidence obtained from the live digital video school bus violation detection monitoring system
31 was sufficient to demonstrate a violation of the motor vehicle code. Such certification shall be
32 sufficient in all prosecutions pursuant to this chapter to justify the entry of a default judgment
33 upon sufficient proof of actual notice in all cases where the citation is not answered within the
34 time period permitted.

1 (d) The citation shall contain all the information provided for on the uniform summons as
2 referred to in section 31-41.1-1 and the rules of procedure promulgated by the chief judge of the
3 district court for the hearing of civil traffic violations in the traffic tribunal, as well as the date,
4 time and location of the violation.

5 (e) In addition to the information in the uniform summons, the following information
6 shall be attached to the citation as evidence:

7 (i) Copies of two (2) or more photographs, or microphotographs, videos, or other
8 recorded images taken as proof of the violation;

9 (ii) A signed statement by a trained law enforcement officer that, based on inspection of
10 recorded images and video, the motor vehicle was being operated in violation of section 31-20-
11 12;

12 (iii) A statement that recorded images are evidence of a violation of this chapter; and

13 (iv) A statement that the person who receives a summons under this chapter may either
14 pay the civil penalty in accordance with the provisions of section 31-20-12, or elect to stand trial
15 for the alleged violation; and

16 (v) A signed affidavit by a person who witnessed live the motor vehicle being operated in
17 violation of section 31-20-12.

18 **31-51-4. Hearings. --** Evidence from a live digital video school bus violation detection
19 monitoring system shall be considered substantive evidence in the prosecution of all civil traffic
20 violations. Evidence from a live digital video school bus violation detection monitoring system
21 approved by the school department shall be admitted without further authentication and such
22 evidence may be deemed sufficient to sustain a civil traffic violation. In addition to any other
23 defenses as set forth herein, any and all defenses cognizable at law shall be available to the
24 individual who receives the citation commencing a prosecution under this chapter.

25 **31-51-5. Driver/registered owner liability--** (a) The registered owner of the motor
26 vehicle shall be primarily responsible in all prosecutions brought pursuant to the provisions of
27 this chapter except as otherwise provided in this section.

28 (b) In all prosecutions of civil traffic violations based on evidence obtained from a live
29 digital video school bus violation detection monitoring system, the registered owner of a vehicle
30 which has been operated in violation of a civil traffic violation, may be liable for such violation.
31 The registered owner of the vehicle may assume liability for the violation by paying the fine; or
32 by defending the violation pursuant to the procedures in section 31-41.2-4.

33 (c) The revenue generated from each fine hereunder shall be allocated as follows: (1)
34 seventy-five percent (75%) to the vendor; (2) twelve and one-half percent (12.5%) to the state

1 general fund; (3) twelve and one-half percent (12.5%) to the municipality.

2 (d) The lessee of a leased vehicle shall be considered the owner of a motor vehicle for
3 purposes of this chapter.

4 **31-51-6. Use of evidence in criminal and civil cases.** -- Nothing in this chapter shall
5 prohibit the use of evidence produced by a live digital video school bus violation detection
6 monitoring system in a criminal or private civil proceeding provided that the admissibility of such
7 evidence shall follow the applicable laws and rules of procedure and rules of evidence which
8 apply in criminal and civil cases.

9 **31-51-7. Nature of violations.** -- Notwithstanding any other provision of law:

10 (a) No violation for which a civil penalty is imposed under this chapter shall be
11 considered a moving violation, nor shall be included on the driving record of the person on whom
12 the liability is imposed, nor shall it be used for insurance rating purposes in providing motor
13 vehicle insurance coverage.

14 (b) Impositions of a penalty pursuant to this chapter shall not be deemed a criminal
15 conviction of an owner or operator;

16 (c) The "good driving statement" may not be used to dismiss an action brought pursuant
17 to this chapter.

18 **31-51-8. Security of records.** – (a) The recorded images and live video produced by a
19 live digital video school bus violation detection monitoring system shall be deemed “public
20 records” subject to disclosure pursuant to section 38-2-2(4)(i).

21 (b) All recorded images and live video that do not identify a violation shall be destroyed
22 within twenty-four (24) hours of the date the live video was recorded, unless ordered by a court of
23 competent jurisdiction.

24 (c) All recorded images and live video that identify a violation shall be destroyed within
25 one year after the citation is resolved by administrative payment, trial or other final disposition of
26 the citation, unless ordered by a court of competent jurisdiction.

27 (d) The privacy of records produced pursuant to this chapter shall be maintained;
28 provided, that aggregate data not containing personal identifying information may be released.

29 **31-51-9. Reports.** – (a) Every municipality receiving an allocation of funds pursuant to
30 this chapter shall prepare an annual report containing data on:

31 (1) the number of citations issued;

32 (2) the number of those violations paid;

33 (3) the number of those violations found after trial or hearing;

34 (4) the number of violations dismissed after trial or hearing;

1 (5) the amount of revenue obtained from the live digital video school bus violation
2 detection monitoring system.

3 SECTION 2. Section 31-20-12 of the General Laws in Chapter 31-20 entitled "Special
4 Stops Required" is hereby amended to read as follows:

5 **31-20-12. Stopping for school bus required -- Penalty for violation.** -- (a) The driver
6 of a vehicle upon a street, highway, private way, private or public parking area upon meeting or
7 overtaking from any direction any bus marked as "school bus" whenever the bus is being
8 operated in accordance with section 31-20-11 and on which there is in operation flashing red
9 lights, shall stop the vehicle before reaching the bus. The driver shall not proceed until the bus
10 resumes motion or until the flashing lights are no longer actuated. No driver of any motor vehicle,
11 except emergency vehicles on official business, shall travel in the same lane of traffic behind a
12 school bus at a distance of less than fifty feet (50'). A person convicted of a violation of this
13 section shall be punished by a mandatory fine ~~not to exceed~~ of three hundred dollars (\$300), and
14 the court may suspend the operator's ~~and/or suspension of~~ driving license for a period not to
15 exceed thirty (30) days for the first offense, and a mandatory fine of not less than three hundred
16 dollars (\$300) nor more than five hundred dollars (\$500), and the court may revoke the operator's
17 driving ~~and/or revocation of~~ driving license for a period of one year for each subsequent offense.

18 (b) A peace officer may issue a summons based on the statement or testimony of a
19 school bus driver or monitor or other private citizen provided that the statement or testimony
20 provides the peace officer with sufficient probable cause that a violation under this section was
21 committed. Any conviction under this section may be punished in accordance with subsection (a)
22 of this section.

23 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO MOTOR AND OTHER VEHICLES -- SCHOOL BUS SAFETY
ENFORCEMENT

- 1 This act would authorize the state and school departments to install live digital video
- 2 school bus violation detection monitoring systems.
- 3 This act would take effect upon passage.

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