

BILL ANALYSIS

C.S.H.B. 474
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, school buses may be equipped with rooftop warning lamps and movable stop arms. According to the National Highway Traffic Safety Administration, most pedestrians killed in bus-related accidents are five to seven years old. In November of 2006, a survey in which 60 percent of Texas school districts participated found a total of 12,850 reported school bus stop-arm violations.

C.S.H.B. 474 authorizes school districts to equip school buses with monitoring systems capable of taking photographic, electronic, video, or digital images on school buses to record violations for illegally passing a school bus. The bill authorizes a school district to impose a penalty for such a violation, by means of a school board resolution.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 474 amends the Transportation Code to authorize a school bus to be equipped with a monitoring system that conforms to state regulations regarding school bus safety standards, may be operated only when the bus is stopped on a highway to load or unload students, and is capable of taking photographic, electronic, video, or digital images of vehicles that pass the bus or of a person inside the bus.

C.S.H.B. 474 authorizes the use of an image recorded by the monitoring system in the prosecution of the offense of passing a stopped school bus that is loading or unloading students, as long as the image is otherwise admissible and clearly shows the vehicle and its license plate.

C.S.H.B. 474 adds a new subchapter relating to a school bus monitoring system. The bill for purposes of the subchapter defines "owner of a motor vehicle," "recorded image," and "school bus monitoring system." The bill authorizes a school district that implements a school bus monitoring system to contract for the administration and enforcement of the system, install and operate the system or contract for the installation or operation of the system, and enter into a memorandum of understanding with a municipality or county in which the school district is located regarding administrative adjudication hearings. The bill provides that the implementation of a school bus monitoring system by a school district does not preclude the application or enforcement in the school district's territory of the law against passing a school bus, and does not prohibit a peace officer from arresting a violator of that law or issuing the violator a citation and notice to appear.

C.S.H.B. 474 authorizes a school district's board of trustees by resolution to impose a civil penalty on the registered owner of a vehicle that passes a stopped school bus within the school district. The bill requires the resolution to provide for a civil penalty of not less than \$200 nor

more than \$1,000, to authorize an attorney employed by or contracting with the school district to bring suit to collect the penalty, to provide for notice of the violation to the registered owner of the vehicle that committed the violation, to provide that a person against whom the school district seeks to impose a penalty is entitled to a hearing, to allow for the use of images recorded by the school bus monitoring system, and to provide for other procedures that the school board determines are necessary for the imposition of a penalty. The bill requires the resolution to provide for the period in which the hearing must be held, provide for the appointment of a hearing officer with authority to administer oaths and issue orders compelling the attendance of witnesses and the production of documents, and to designate the department, agency, or office of the school district responsible for the enforcement and administration of the resolution or to provide that the entity with which the school district enters into a memorandum of understanding is responsible for the enforcement and administration of the resolution.

C.S.H.B. 474 establishes the manner in which the imposition of a penalty is initiated, through the mailing of a notice of violation to the owner of a motor vehicle. The bill establishes procedures relating to, and requirements for the content of, the notice.

C.S.H.B. 474 provides that the imposition of a penalty by a school district is not a conviction and may not be considered a conviction for any purpose. The bill prohibits a school district from imposing a penalty on the owner of a motor vehicle if the operator of the vehicle was arrested or issued a citation and notice to appear by a peace officer for the same violation of the law against passing a school bus recorded by the school bus monitoring system. The bill allows collected penalties to be used by a school district only to cover the cost of installing, operating, and maintaining the school bus monitoring system and the cost of collecting a penalty, developing and implementing a program that promotes student safety, and complying with the requirement that a school bus be equipped with a three-point seat belt for each passenger, including the operator.

C.S.H.B. 474 requires that a school district operate a monitoring system only for the purpose of detecting a violation or suspected violation, within the district, of the law against passing a school bus. The bill provides that a person commits a Class A misdemeanor offense if a person uses a school bus monitoring system to produce a recorded image other than in the manner and for the purpose specified by a school district resolution as described above.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 474 differs from the original, in provisions authorizing a school bus to be equipped with a monitoring system, to characterize such a monitoring system as one that is capable not only of taking electronic or video images of vehicles that pass the bus, as in the original, but also photographic or digital images of such vehicles as well as photographic, electronic, video, or digital images of a person inside the bus.

C.S.H.B. 474 differs from the original by adding definitions for "owner of a motor vehicle," "recorded image," "and "school bus monitoring system."

C.S.H.B. 474 adds provisions, not in the original, authorizing a school district that implements a school bus monitoring system to contract for its administration and enforcement, install and operate the system or contract for installation or operation, and enter into a memorandum of understanding, with a municipality or county in which the school district is located regarding adjudication hearings.

C.S.H.B. 474 adds provisions not in the original specifying that a school district's implementation of a monitoring system does not preclude the application or enforcement in its territory of the law against passing a school bus, and does not prohibit a peace officer from making an arrest or issuing a citation and notice to appear to a violator of that law.

C.S.H.B. 474 differs from the original, in provisions relating to the required contents of a resolution adopted by the board of trustees of a school district imposing a penalty, by requiring that the resolution provide that the person against whom the district seeks to impose the penalty is entitled to a hearing, rather than requiring that the resolution provide procedures by which the registered owner of the motor vehicle may request an administrative adjudication hearing. The substitute adds provisions regarding the required hearing and requiring identification of who is responsible for the enforcement and administration of the resolution.

C.S.H.B. 474 adds extensive provisions, not in the original, relating to the notice of a violation and its required contents.

C.S.H.B. 474 adds a provision, not in the original, establishing that the imposition of a penalty is not a conviction and may not be considered a conviction.

C.S.H.B. 474 adds a provision, not in the original, prohibiting a school district from imposing a penalty on the owner of a motor vehicle if the operator of the vehicle was arrested or issued a citation and notice to appear by a peace officer for the same violation of the law against passing a school bus as recorded by the school bus monitoring system.

C.S.H.B. 474 differs from the original by referring to a penalty, rather than a civil penalty as in the original. The substitute differs from the original by providing that penalties collected may be used by a school district only to cover specified costs, rather than requiring, as in the original, that collected amounts be deposited in the maintenance and operation fund or general fund of the school district.

C.S.H.B. 474 adds provisions not in the original requiring a school district to operate a monitoring system only for the purpose of detecting a violation or suspected violation, within the school district, of the law against passing a school bus. The substitute adds provisions, not in the original, establishing an offense if a person uses a monitoring system to produce a recorded image other than in the manner and for the purpose specified by the school district resolution.