

By: Allen

H.B. No. 474

Substitute the following for H.B. No. 474:

By: Jackson

C.S.H.B. No. 474

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of a school district to implement a school
3 bus monitoring system that records images, including images of
4 vehicles that pass a stopped school bus; providing for the
5 imposition of penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 545.066, Transportation Code, is amended
8 by adding Subsection (g) to read as follows:

9 (g) An image recorded by the monitoring system authorized by
10 Section 547.701(b)(3) may be used in the prosecution of an offense
11 under this section if the image is otherwise admissible and the
12 image clearly shows the vehicle, including the license plate
13 attached to the vehicle, at the time the offense was alleged to have
14 occurred.

15 SECTION 2. Chapter 545, Transportation Code, is amended by
16 adding Subchapter J to read as follows:

17 SUBCHAPTER J. SCHOOL BUS MONITORING SYSTEM

18 Sec. 545.451. DEFINITIONS. In this subchapter:

19 (1) "Owner of a motor vehicle" means the owner of a
20 motor vehicle as shown on the motor vehicle registration records of
21 the Texas Department of Transportation or the analogous department
22 or agency of another state or country.

23 (2) "Recorded image" means a photographic,
24 electronic, video, or digital image that depicts a motor vehicle.

1 (3) "School bus monitoring system" means a system
2 authorized by Section 547.701(b)(3).

3 Sec. 545.452. AUTHORITY TO PROVIDE FOR PENALTY. (a) The
4 board of trustees of a school district by resolution may impose a
5 penalty on the registered owner of a vehicle that is operated in a
6 manner that violates Section 545.066 within the school district.

7 (b) The resolution adopted under this section must:

8 (1) provide for a penalty of not less than \$200 or more
9 than \$1,000;

10 (2) authorize an attorney employed by the school
11 district or an attorney with whom the school district contracts to
12 bring suit to collect the penalty;

13 (3) provide for notice of the violation to the
14 registered owner of the motor vehicle that committed the violation;

15 (4) provide that a person against whom the school
16 district seeks to impose a penalty is entitled to a hearing and:

17 (A) provide for the period in which the hearing
18 must be held;

19 (B) provide for the appointment of a hearing
20 officer with authority to administer oaths and issue orders
21 compelling the attendance of witnesses and the production of
22 documents; and

23 (C) designate the department, agency, or office
24 of the school district responsible for the enforcement and
25 administration of the resolution or provide that the entity with
26 which the school district enters into a memorandum of understanding
27 under Section 545.453(3) is responsible for the enforcement and

1 administration of the resolution;

2 (5) allow for the use of images recorded by the school
3 bus monitoring system; and

4 (6) provide for other procedures the board determines
5 are necessary for the imposition of a penalty authorized by this
6 section.

7 (c) Penalties collected under this section may be used by a
8 school district only to cover the cost of:

9 (1) installing, operating, and maintaining the school
10 bus monitoring system;

11 (2) collecting a penalty imposed under this section;

12 (3) developing and implementing a program that
13 promotes student safety; and

14 (4) complying with Section 547.701(e).

15 Sec. 545.453. INSTALLATION AND OPERATION OF SCHOOL BUS
16 MONITORING SYSTEM. A school district that implements a school bus
17 monitoring system under this subchapter may:

18 (1) contract for the administration and enforcement of
19 the system;

20 (2) install and operate the system or contract for the
21 installation or operation of the system; and

22 (3) enter into a memorandum of understanding with a
23 municipality or county in which the school district is located
24 regarding administrative adjudication hearings required by a
25 resolution adopted under this subchapter.

26 Sec. 545.454. GENERAL SURVEILLANCE PROHIBITED; OFFENSE.

27 (a) A school district shall operate a monitoring system authorized

1 by Section 547.701(b)(3) only for the purpose of detecting a
2 violation or suspected violation of Section 545.066 within the
3 school district.

4 (b) A person commits an offense if the person uses a school
5 bus monitoring system to produce a recorded image other than in the
6 manner and for the purpose specified by a resolution adopted under
7 Section 545.452.

8 (c) An offense under this section is a Class A misdemeanor.

9 Sec. 545.455. EFFECT ON OTHER ENFORCEMENT. (a) The
10 implementation of a school bus monitoring system by a school
11 district under this subchapter does not:

12 (1) preclude the application or enforcement in the
13 territory of the school district of Section 545.066 in the manner
14 prescribed by Chapter 543; or

15 (2) prohibit a peace officer from arresting a violator
16 of Section 545.066 as provided by Chapter 543 or from issuing the
17 violator a citation and notice to appear as provided by that
18 chapter.

19 (b) A school district may not impose a penalty under this
20 subchapter on the owner of a motor vehicle if the operator of the
21 vehicle was arrested or issued a citation and notice to appear by a
22 peace officer for the same violation of Section 545.066 recorded by
23 the school bus monitoring system.

24 Sec. 545.456. NOTICE OF VIOLATION; CONTENTS. (a) The
25 imposition of a penalty under this subchapter is initiated by the
26 mailing of a notice of violation to the owner of the motor vehicle
27 against whom the school district seeks to impose the penalty.

1 (b) Not later than the 30th day after the date the violation
2 is alleged to have occurred, the designated department, agency, or
3 office of the school district or the entity with which the school
4 district enters into a memorandum of understanding under Section
5 545.453(3) shall mail the notice of violation to the owner at:

6 (1) the owner's address as shown on the registration
7 records of the Texas Department of Transportation; or

8 (2) if the vehicle is registered in another state or
9 country, the owner's address as shown on the motor vehicle
10 registration records of the department or agency of the other state
11 or country analogous to the Texas Department of Transportation.

12 (c) The notice of violation must contain:

13 (1) a description of the violation alleged;

14 (2) the location where the violation occurred;

15 (3) the date and time of the violation;

16 (4) the name and address of the owner of the vehicle
17 involved in the violation;

18 (5) the registration number displayed on the license
19 plate of the vehicle involved in the violation;

20 (6) a copy of a recorded image of the violation that
21 includes a depiction of the registration number displayed on the
22 license plate of the vehicle involved in the violation;

23 (7) the amount of the penalty for which the owner is
24 liable;

25 (8) the number of days the person has in which to pay
26 or contest the imposition of the penalty;

27 (9) a statement that the owner of the vehicle in the

1 notice of violation may elect to pay the penalty instead of
2 appearing at the time and place of the administrative adjudication
3 hearing; and

4 (10) information that informs the owner of the vehicle
5 named in the notice of violation:

6 (A) of the owner's right to contest the
7 imposition of the penalty against the person in an administrative
8 adjudication hearing;

9 (B) that imposition of the penalty may be
10 contested by submitting a written request for an administrative
11 adjudication hearing before the expiration of the period specified
12 under Subdivision (8); and

13 (C) that failure to pay the penalty or to contest
14 liability for the penalty in a timely manner is an admission of
15 liability.

16 (d) A notice of violation is presumed to have been received
17 on the fifth day after the date the notice is mailed.

18 Sec. 545.457. IMPOSITION OF PENALTY NOT A CONVICTION. The
19 imposition of a penalty under this subchapter is not a conviction
20 and may not be considered a conviction for any purpose.

21 SECTION 3. Section 547.701(b), Transportation Code, is
22 amended to read as follows:

23 (b) A school bus may be equipped with:

24 (1) rooftop warning lamps:

25 (A) that conform to and are placed on the bus in
26 accordance with specifications adopted under Section 34.002,
27 Education Code; and

1 (B) that are operated under rules adopted by the
2 school district; ~~and~~

3 (2) movable stop arms:

4 (A) that conform to regulations adopted under
5 Section 34.002, Education Code; and

6 (B) that may be operated only when the bus is
7 stopped to load or unload students; and

8 (3) a monitoring system that:

9 (A) is capable of taking photographic,
10 electronic, video, or digital images of vehicles that pass the bus;

11 (B) conforms to regulations adopted under
12 Section 34.002, Education Code;

13 (C) may be operated only when the bus is stopped
14 on a highway to load or unload students; and

15 (D) is capable of taking photographic,
16 electronic, video, or digital images of a person inside the bus.

17 SECTION 4. This Act takes effect September 1, 2009.