

BILL ANALYSIS

H.B. 1336
By: Allen
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties cite a national traffic safety organization in asserting that most children killed in bus-related accidents are pedestrians and are five to seven years old. These parties also cite a one-day survey conducted by a majority of Texas school districts in the mid-2000s that reported over 12,000 occurrences of the offense of passing a school bus. H.B. 1336 seeks to grant a school district the authority to implement a school bus monitoring system that records images, including images of vehicles that pass a stopped school bus, and to provide for the imposition of a related penalty in an effort to deter people from committing the offense.

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

H.B. 1336 amends the Transportation Code to authorize a school bus to be equipped with a monitoring system that is capable of taking photographic, electronic, video, or digital images of vehicles that pass the bus; that conforms to school bus safety standards; and that may be operated only when the bus is stopped on a highway to load or unload students. The bill authorizes an image recorded by such a monitoring system to be used in the prosecution of the offense of passing a school bus if the image is otherwise admissible and the image clearly shows the vehicle, including the license plate attached to the vehicle, at the time the offense was alleged to have occurred.

H.B. 1336 authorizes a school district board of trustees by resolution to impose a penalty on the registered owner of a vehicle that is operated in a manner that constitutes the offense of passing a school bus within the school district. The bill requires such a resolution to provide for a penalty of not less than \$200 or more than \$1,000; to authorize an attorney employed by the school district or an attorney with whom the school district contracts to bring suit to collect the penalty; to provide for notice of the violation to the registered owner of the motor 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 provide for the period in which the hearing must be held; to 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; to designate the school district department, agency, or office responsible for the resolution's enforcement and administration or to provide that the entity with which the school enters into a memorandum of understanding is responsible for the enforcement and administration; to allow for the use of images recorded by the school bus monitoring system; and to provide for other procedures the board determines are necessary for the imposition of an authorized penalty. The bill limits the use of penalties collected by a school district to covering the cost of installing, operating, and maintaining the school bus monitoring system, collecting a penalty imposed, developing and implementing a program that promotes student safety, and complying with school bus seat belt requirements.

H.B. 1336 authorizes a school district that implements a school bus monitoring system to contract for the system's administration and enforcement, to install and operate the system or contract for its installation or operation, and to enter into a memorandum of understanding with a municipality or county in which the school district is located regarding administrative adjudication hearings required by a resolution adopted by the district's board.

H.B. 1336 requires a school district to operate an authorized monitoring system only for the purpose of detecting a violation or suspected violation of passing a school bus within the school district. The bill creates a Class A misdemeanor offense for a person who uses a school bus monitoring system to produce a recorded image other than in the manner and for the purpose specified by a district-adopted resolution.

H.B. 1336 clarifies that the implementation of a school bus monitoring system by a school district does not preclude the application or enforcement in the territory of the school district of the offense of passing a school bus in the manner prescribed under existing law or prohibit a peace officer from arresting a violator of such an offense or from issuing the violator a citation and notice to appear. The bill prohibits a school district from imposing a penalty under these provisions 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 offense of passing a school bus recorded by the school bus monitoring system.

H.B. 1336 establishes that the imposition of a penalty under its provisions is initiated by the mailing of a notice of violation to the owner of the motor vehicle against whom the school district seeks to impose the penalty. The bill requires the designated district department, agency, or office or the entity with which the district enters into a memorandum of understanding, not later than the 30th day after the date the violation is alleged to have occurred, to mail the notice of violation to the owner at the owner's address as shown on the registration records of the Texas Department of Motor Vehicles (TxDMV) or, if the vehicle is registered in another state or country, the owner's address as shown on the motor vehicle registration records of the department or agency of the other state or country analogous to the TxDMV. The bill sets out the required elements to be included in the notice and establishes that a notice of violation is presumed to have been received on the fifth day after the date the notice is mailed. The bill establishes that the imposition of a penalty is not a conviction and prohibits that penalty from being considered a conviction for any purpose. The bill defines "owner of a motor vehicle," "recorded image," and "school bus monitoring system."

EFFECTIVE DATE

September 1, 2011.