

## Testimony for House Bill No. 2040

### **Purpose of Bill:**

The purpose of proposed bill HB 2040 is to enable better enforcement of the Kansas Bus Stop sign law (K.S.A. 8-1730 and its attachments.)

### **Present Status of enforcement:**

A national 2015 survey monitoring school bus stop arm passing incidents in 26 states found nearly 78,518 vehicles illegally passed 100,371 school buses in just one day! That represents more than 13 million illegal passes nationally in a typical 180-day school year.

About 58% of violators pass the bus from the front and 42% pass from the rear. 98% of violators pass on the driver's left side and 2% pass on the right. These direction statistics of violators passing extended bus stop signs have been fairly constant for years.

During the April 2015 Kansas school bus stop arm survey 2,228 bus drivers experienced 1,091 violations. That represents 196,380 violations in a 180-day school year in Kansas.

On Sept. 24, 2015, during that same survey, Wichita school bus drivers counted 330 bus stop violations in one day! KSN television video-taped some of those violations. This can be seen at <http://ksn.com/2015/09/24/ksn-investigates-school-bus-safety/>. However, the reporter's statement about the amount of the fine is not accurate. It is currently \$315, not \$100.

Later in the school year, KSN continued its investigation and filed this report from Garden City. Note how many officers it takes to run this program for just one bus. This is an issue since the Kansas State Police agency is about 100 officers short of full compliment. <http://ksn.com/2015/11/23/khp-tries-new-school-bus-safety-method/>.

The 2015-2016 survey completed in Kansas mirrored the 2015 violation figures. It found that 73.2% percent of children killed when entering or exiting are under the age of 10. However, junior and senior high students were not immune to being hit by a vehicle. Those between the age of 10 and 17 years old made up almost 23% of the students killed while boarding or exiting a school bus. These figures have been constant for the past 46 years. The survey stated that 64% of students are hit getting off the bus near their homes, while 31% are hit while moving to board a school bus in the morning. What is interesting is that the highest percentage of these accidents (75%) occurred in clear weather. The 2015-2016 survey was conducted in the District of Columbia and every state, except Mississippi. While the survey in its summary statement offers no detailed solutions, it does "point out the continuing need... to increase our efforts to thoroughly inform the driving public about the requirements of the school bus stop law,"

On September 4 of 2016, CBS News ran a news lead demonstrating how bus stop sign cameras work. The news story the CBS television station in Austin ran showed three students hit by vehicles, two of them within two days for the same Dallas county school district. The first two incidents that CBS News showed, the vehicle drivers did not even stop after hitting the students. Fortunately the three students hit were not killed. <http://www.cbsnews.com/news/school-districts-add-security-cameras-to-school-buses-to-catch-drivers-illegally-passing-stop-signs/>.

In that district, the school SRO's (School Resource Officer) are the law enforcement personnel that reviews the videos for possible violators. That can be done in Kansas under this proposed law.

I became interested in this issue 7 years ago when I had a middle school student nearly hit by a car that ran my stop sign while she was getting off my bus. That is when I found out that there was nothing a bus driver could do about these violations.

In our Riley County School district last year, we had a child that nearly got hit when a driver passed a bus stopped on a country road on the right side of the bus while children were boarding. The car nearly hit a small kindergarten student and her mother. When this driver repeated this again later that same month, the child's mother was watching for it and stepped back in front of the bus with her child in order to be out of the way of the car. Our bus driver identified the car license number and vehicle description. When the second incident happened, our driver was able to positively identify the driver of the car. However, no ticket could be issued due to current legal limitations.

Under present law in Kansas, if a vehicle passes a school bus with its red 8-ways flashing and its stop sign extended out, the driver can fill out a report which can be turned in to law enforcement. However, unless law enforcement actually sees the incident and then immediately acts on it, there is nothing the bus driver can do. I have witnessed law enforcement actually observing violations and pulling the offender over on occasion. However, there are not enough officers available for this purpose, especially since most police departments are in the middle of a shift change when schools dismiss. This present enforcement situation can be dangerous for Kansas children getting on and off the bus.

I have received strong support, both verbal and written, from a number to Kansas school district transportation directors and officers of the Kansas School Transportation Association. I have also received support from several local and state law enforcement officers. All are in agreement that the enforcement of the current bus stop sign law needs to be strengthened. They have expressed support for a law similar to this proposed bill.

### **Summary of Proposed Bill:**

This proposed bill has several parts. First, school districts have the option to enter into a cooperative agreement with a bus camera company to install a bus stop sign camera system on the buses of the districts' choice. There are currently four companies

nationally that offer these systems. Normally they do not charge for the systems up front, or for the installation and maintenance of the systems. This agreement is done at the same time that the second part below is done.

Second, school districts can enter into a cooperative agreement with law enforcement agencies for the disposition of the fines collected. Typically, part of the fine goes to the court and law enforcement, part of the fine goes to the camera company to pay for the camera system, and part goes to the school district. Each part is designed to help cover the costs of operating these camera systems, as well as the court and enforcement costs. This proposal would be 100% paid for by bus stop sign violators.

Third, the camera system is designed to come on when the stop sign is triggered to extend. The 8-way red lights come on at the same time. The camera turns off when the stop sign is fully retracted and the red lights go off.

Fourth, the camera system is self contained and separate from any other cameras that may be on the bus. It has its own DVR with an SD card, as well as a pair of high resolution IP cameras. It is dependent only on an operational bus stop sign system and that system's electric power runs directly to the bus stop sign camera. Most newer school buses already have an access connector for this purpose. Because of the high resolution of the cameras, the images can be stop-framed for identification purposes.

Fifth, the recorded violation is then forwarded to law enforcement by a school district transportation official. Law enforcement reviews it to make sure that a violation has actually occurred. If a violation has occurred, law enforcement then delivers or mails a ticket for this misdemeanor violation to the owner of the vehicle at the last known address. The owner is determined by the license plate information taken from the video. This can be done by the duly appointed school resource officer that works with that school district.

Sixth, the proposed bill does contain some exceptions.

1. If the owner was not driving the car at the time, the owner has the option to present proof of who was actually driving so that the ticket can be redirected to the actual offender.
2. Tickets cannot be issued to car rental agency vehicles or dealership loaner vehicles.

Last of all, this bill incorporates these violations within the existing Kansas traffic violation law. The already existing initial fine and court cost are not changed, nor are any changes made in the already existing methods that a violator has to respond to a traffic ticket. These same options are available with this issued ticket.

This proposed bill does spell out the time table for determining when another violation is considered a second or a subsequent violation, as well as the applicable fines for these

subsequent violations in detail. Page 13 of the bill under sub-section (f) lists repeated offences as follows:

- Second offence within 2 years – 1 ½ times the initial fine.
- Third offense within 2 years of last previous conviction – 2 times the initial fine.
- Fourth and subsequent offense within 2 years of last previous conviction – 2 ½ times the initial fine.

This provision is necessary since many offenders are repeat offenders who violate the stop signs of school buses which travel the same road(s) every school day. One example is the driver who nearly hit a kindergartner and he mother in our district. This driver has done this at least three times at the same intersection!

### **Other States Have Enacted a Similar Law**

There are presently 16 states which have a bus stop sign camera law as of 12/31/16. They are:

Arkansas, Connecticut, Georgia, Illinois, Maryland, New Jersey, Mississippi, North Carolina, Rhode Island, South Carolina, Texas, Virginia, Washington, West Virginia and Wyoming. A law of this type is also being considered in Indiana, Florida and Pennsylvania.

### **Concerns about Lawsuits Addressed**

A search made on Lawsuits Today (LawsuitsToday.com), as well as several other locations, found information on lawsuits that have occurred in other states related to bus stop sign camera laws. These suits all appear to fall into five (5) categories. How this proposed bill handles these situations that have caused lawsuits in other states is demonstrated below.

- There have been lawsuits filed in Georgia and Mississippi that have been triggered by a series of suits related to intersection stop light camera suits. Kansas does not have this issue. There are no tickets in Kansas issued from intersection stop light cameras.
- There are two states where there have been lawsuits filed against local municipalities where there is no state law covering this type of infraction. Both suits exist because of the lack of state law to support the local law. This proposed bill removes this lawsuit possibility in Kansas.
- A local jurisdiction in Texas has been sued, because its bus stop sign law does not allow the option of a court trial. This proposed law gives the accused that option in Section 2 (2), Section 2 (8) (f) and Section 3 (b).
- There is one local jurisdiction in Louisiana where a suit has been filed because of tickets being issued when the alleged violator is right beside the bus when the stop sign starts to come out. This proposed bill addresses this in Section 1 (e) (1) subsection (B) which states that the condition that must exist for a violation is activation of “flashing red lights, stop arm fully extended”. This would prevent conviction of questionable situations where the driver might activate the stop sign while a car is too close to the bus to stop on time. Remember that, before the

flashing red lights come on and the bus stop sign comes out, yellow warning lights flash for a period of time while the bus is slowing to a stop to warn drivers that the school bus is about to stop to pick up a student.

- The last lawsuit situation found has to do with the violator's privacy. In this case, the law involved is related to the intersection stop light laws in Georgia. Again, Kansas does not have an intersection stop light law. In addition, this proposed law in Section 1 (e)(1)(4) which states, "Recorded images made for purposes of this subsection shall not be subject to the open records act, KSA. 45-215 et seq., and amendments thereto." This effectively protects privacy.

Since all currently known reasons for opposing this proposed law have been addressed, I am asking that this committee approve this bill to be submitted to the full house for the protection of all Kansas school children.

Thank you for your consideration of this child safety bill.

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