

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Bill No. 606, Page 1, Section A, Line 2, by inserting after all of said section and  
2 line the following:

3  
4 "160.3000. 1. School districts may install and operate automated school bus safety cameras  
5 on school buses to be used for the detection of violations of section 304.050 if the use of the  
6 cameras is approved by a vote of the school district board of directors. School districts are not  
7 required to take school buses out of service if the buses are not equipped with automated school bus  
8 safety cameras or functional automated safety cameras. Further, school districts shall be held  
9 harmless from and not liable for any criminal or civil liability arising under the provisions of this  
10 section.

11 2. Automated school bus safety cameras may only take pictures of the vehicle and vehicle  
12 license plate and only while an infraction is occurring. The picture shall not reveal the face of the  
13 driver or of passengers in the vehicle.

14 3. A notice of infraction shall be mailed to the registered owner of the vehicle within  
15 fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the  
16 renter's name and address under subsection 8 of this section. The law enforcement officer issuing  
17 the notice of infraction shall include a certificate or facsimile of the notice, based upon inspection of  
18 photographs, microphotographs, or electronic images produced by an automated school bus safety  
19 camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima  
20 facie evidence of the facts contained in it and is admissible in a proceeding charging a violation  
21 under this section. The photographs, microphotographs, or electronic images evidencing the  
22 violation shall be available for inspection and admission into evidence in a proceeding to adjudicate  
23 the liability for the infraction. A person receiving a notice of infraction based on evidence detected  
24 by an automated school bus safety camera may respond to the notice by mail.

25 4. In a traffic case involving an infraction detected through the use of an automated school  
26 bus safety camera under this section, proof that the particular vehicle described in the notice of  
27 traffic infraction was in violation of any provision of section 304.050, together with proof that the  
28 person named in the notice of traffic infraction was at the time of the violation the registered owner  
29 of the vehicle constitutes in evidence a prima facie presumption that the registered owner of the  
30 vehicle was the person in control of the vehicle at the point where, and for the time during which,  
31 the violation occurred. This presumption may be overcome only if the registered owner states,

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 under oath, in a written statement to the court or in testimony before the court that the vehicle  
2 involved was at the time, stolen or in the care, custody, or control of some person other than the  
3 registered owner, or in the case of a rental car business, the business satisfies the conditions of  
4 subsection 8 of this section. If appropriate under the circumstances, a renter identified under  
5 subsection 8 of this section is responsible for an infraction.

6 5. Notwithstanding any other provision of law, all photographs, microphotographs, or  
7 electronic images prepared under this section are for the exclusive use of law enforcement in the  
8 discharge of duties under this section and are not open to the public and may not be used in a court  
9 in a pending action or proceeding unless the action or proceeding relates to a violation under this  
10 section. No photograph, microphotograph, or electronic image may be used for any purpose other  
11 than enforcement of violations under this section nor retained longer than necessary to enforce this  
12 section.

13 6. If a school district installs and operates an automated school bus safety camera under this  
14 section, the compensation paid to the manufacturer or vendor of the equipment used shall be based  
15 only upon the value of the equipment and services provided or rendered in support of the system,  
16 and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated  
17 by the equipment. Further, any repair, replacement, or administrative work costs related to installing  
18 or repairing automated school bus safety cameras shall be solely paid for by the manufacturer or  
19 vender of the cameras. Before entering into a contract with the manufacturer or vendor of the  
20 equipment used under this section, the school district shall follow a competitive bid process.

21 7. Any revenue collected from infractions detected through the use of automated school bus  
22 safety cameras, less the administration and operating costs of the cameras, shall be remitted to the  
23 local school district where the violation occurred and shall not be distributed through the school  
24 funding mechanisms of section 163.031. Funds received shall be used by the local school district  
25 for:

- 26 (1) School safety zone projects;  
27 (2) Pedestrian safety projects; and  
28 (3) Defraying the cost of installing and operating the cameras.  
29

30 The administration and operating costs of the cameras includes infraction enforcement and  
31 processing costs that are incurred by local law enforcement or local courts.

32 8. If the registered owner of the vehicle is a rental car business, the law enforcement agency  
33 shall, before a notice of infraction is issued under this section, provide a written notice to the rental  
34 car business that a notice of infraction may be issued to the rental car business if the rental car  
35 business does not, within eighteen days of receiving the written notice, provide to the issuing agency  
36 by return mail:

- 37 (1) A statement under oath stating the name and known mailing address of the individual  
38 driving or renting the vehicle when the infraction occurred;  
39 (2) A statement under oath that the business is unable to determine who was driving or  
40 renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of  
41 the infraction. A statement provided under this subdivision shall be accompanied by a copy of a

1 filed police report regarding the vehicle theft; or

2 (3) In lieu of identifying the vehicle operator, the rental car business may pay the applicable  
3 penalty.

4 9. Timely mailing of a statement under subsection 8 of this section to the issuing law  
5 enforcement agency relieves a rental car business of any liability under this section for the notice of  
6 infraction.

7 10. For purposes of this section, "automated school bus safety camera" means a device that  
8 is affixed to a school bus that is synchronized to automatically record one or more sequenced  
9 photographs, microphotographs, or electronic images of the rear of a vehicle at the time the vehicle  
10 is detected for an infraction identified in section 304.050.

11 11. The department of transportation may promulgate all necessary rules and regulations for  
12 the administration of this section. Any rule or portion of a rule, as that term is defined in section  
13 536.010, that is created under the authority delegated in this section shall become effective only if it  
14 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
15 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the  
16 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
17 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any  
18 rule proposed or adopted after August 28, 2019, shall be invalid and void."; and

19  
20 Further amend said bill by amending the title, enacting clause, and intersectional references  
21 accordingly.