

HCS HB 2742 -- THE CARELESS OPERATION OF A MOTOR VEHICLE (Jones (12))

COMMITTEE OF ORIGIN: Standing Committee on Transportation

FAILURE TO STOP FOR A SCHOOL BUS (Sections 160.3300, 302.302 & 304.070)

Currently, a person is guilty of a class A misdemeanor if they pass a stopped school bus in the process of loading or unloading students; the person is guilty of a class E felony if the offense results in the injury of any child; and a class D felony if the offense results in the death of any child. The court can order the suspension of a person's license for 90 days after a first offense and 120 days after a second or subsequent offense. These suspensions are in addition to other suspensions for other violations of law.

This bill differentiates between "physical injury" and "serious physical injury", as defined in the bill. An offense resulting in the physical injury of any child is a class E felony. An offense resulting in the serious physical injury of any child is a class D felony.

This bill adds fines for each offense and changes the provisions regarding suspended licenses as follow:

(1) For a first offense, a person is subject to a fine of at least \$500, but no more than \$1,000, and the court can suspend their license at its discretion;

(2) For a second offense within five years, a person is subject to a fine of at least \$1,000, but no more than \$2,000, and their license will be suspended for 90 days; and

(3) For a third or subsequent offense within five years, a person is subject to a fine of at least \$1,500, but no more than \$3,000, and their license will be suspended for 180 days.

No court can suspend any portion of these fines, and no offense can be disposed of through the State fine collection center or payment of a fine without an appearance in open court. The defendant must appear in court in person or by attorney for deposition.

Each instance of failing to stop for a school bus that is loading or unloading students will also result in five points being assessed to the driver's license.

The bill authorizes school districts to install and operate school bus safety cameras with the approval of the school district's board of directors. Any image or video recorded by the camera that is not used to enforce violations for passing a stopped school bus must be permanently deleted no later than 180 days after the date of capture. No image or video recorded by such cameras can be used as part of an automated camera system designed to detect traffic violations and issue citations; however, prosecutors can introduce images and video captured by a school bus safety camera as evidence in court.

#### ELECTRONIC COMMUNICATIONS DEVICES (Section 304.822)

Currently, the State preempts the field of regulating the use of electronic communication devices by the operators of motor vehicles.

This bill changes the language of the preemption so that local laws, ordinances, or regulations are allowed as long as they do not conflict with State law on the subject.

#### HOSPITAL ZONES (Sections 302.302, 304.1020 & 304.1023)

This bill authorizes counties and municipalities to establish hospital zones for streets surrounding a hospital as areas where hospital activities are occurring. If a county or municipality determines the boundaries for a hospital speed zone and erects signs reading "Hospital Zone - Fines Doubled", the court may double the amount of a fine for a traffic violation in the hospital zone. The maximum speed limit in a hospital zone is 30 miles per hour.

The bill creates the offenses of "endangerment of a pedestrian in a hospital zone" and "aggravated endangerment of a pedestrian in a hospital zone. A person commits endangerment of a pedestrian in a hospital zone if the person commits one of the following in a hospital speed zone, except in cases of mechanical failure or negligence by a pedestrian:

(1) Exceeding the posted speed limit by 15 miles per hour or more;

- (2) Leaving the scene of an accident;
- (3) Careless and imprudent driving;
- (4) Operating without a valid license;
- (5) Operating with a suspended or revoked license
- (6) Driving while intoxicated; or
- (7) Any felony involving the use of a motor vehicle.

A person who commits endangerment of a pedestrian in a hospital speed zone will have four points assessed to their license and be subject to a fine of up to \$500. Aggravated endangerment of a pedestrian in a hospital speed zone occurs when a pedestrian is injured or killed, and a person committing this offense will have 12 points assessed to their driver's license, and their license will be revoked. If a pedestrian is injured, the person will be subject to a fine of not more than \$5,000. If a pedestrian is killed, the person will be subject to a fine of not more than \$10,000.

The bill requires the Department of Revenue to revoke the license of any driver who negligently strikes a pedestrian in a hospital speed zone where proper signage has been posted. The Department will make its determination based on the report of a law enforcement officer investigating the incident, and that determination will be final, unless a hearing is requested and held on the matter. A driver can petition for a hearing before a circuit division or associate division of the court in which the hospital zone accident occurred. In the petition, a driver can request a court stay the revocation of their license until the petition can be heard, and the court can grant the stay at its discretion, pending a hearing. If the court grants the stay, it will enter the order on a form prescribed by the Director of Revenue and send a copy to the Director. The Director will keep the driver's license of the driver, and the driver will have the ability to drive, using the order from the court staying the suspension as their proof of privilege to operate a motor vehicle.

At the hearing, the prosecuting attorney of the county will appear on behalf of the Department, and the court will determine only:

(1) Whether the person was involved in a physical accident where his or her vehicle struck a pedestrian within a designated hospital zone;

(2) Whether guidelines involving notice and signage were properly implemented in such hospital zone; and

(3) Whether the investigating officer had probable cause to believe the person's negligent acts or omissions contributed to his or her vehicle striking a pedestrian.

If the court determines any of the answers to these three determinations is in the negative, the court must order the Director to reinstate the license or permit to drive. Otherwise, and if the driver does not request or is not granted a hearing, the driver's license or permit will be reinstated upon taking and passing the written and driving portions of the driver's license examination.

This administrative adjudication to reinstate a license revoked by this bill, any evidence provided to the Department, the court's determinations, and the evidence provided to the court relating to such determinations will all be unavailable by subpoena or any other means and made available in other administrative actions, civil cases, or criminal prosecutions.