

By: Allen

H.B. No. 474

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a school district to implement a monitoring system that records images of vehicles that pass a stopped school bus; providing for the imposition of civil penalties.

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

SECTION 1. Section 547.701(b), Transportation Code, is amended to read as follows:

(b) A school bus may be equipped with:

(1) rooftop warning lamps:

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

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

(2) movable stop arms:

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

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

(3) a monitoring system that:

(A) is capable of taking electronic or video images of vehicles that pass the bus;

(B) conforms to regulations adopted under

1 Section 34.002, Education Code; and

2 (C) may be operated only when the bus is stopped
3 on a highway to load or unload students.

4 SECTION 2. Section 545.066, Transportation Code, is amended
5 by adding Subsection (g) to read as follows:

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

12 SECTION 3. Subchapter B, Chapter 545, Transportation Code,
13 is amended by adding Section 545.067 to read as follows:

14 Sec. 545.067. CIVIL PENALTY FOR PASSING SCHOOL BUS. (a)
15 The board of trustees of a school district by resolution may impose
16 a civil penalty on the registered owner of a vehicle that is
17 operated in a manner that violates Section 545.066 within the
18 school district.

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

20 (1) provide for a civil penalty of not less than \$200
21 or more than \$1,000;

22 (2) authorize an attorney employed by the school
23 district or an attorney with whom the school district contracts to
24 bring suit to collect the penalty;

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

27 (4) provide procedures by which the registered owner

1 of the motor vehicle may request an administrative adjudication
2 hearing to contest the imposition or the amount of the penalty;

3 (5) allow for the use of images recorded by the
4 monitoring system authorized by Section 547.701(b)(3); and

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

8 (c) Amounts collected from civil penalties imposed under
9 this section shall be deposited in the maintenance and operation
10 fund or general fund of the school district.

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