

FIRST REGULAR SESSION

# HOUSE BILL NO. 1425

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HICKS.

2686H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To amend chapter 304, RSMo, by adding thereto two new sections relating to school bus crossing control arm enforcement systems, with penalty provisions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 304, RSMo, is amended by adding thereto two new sections, to be known as sections 304.056 and 304.058, to read as follows:

**304.056. 1. As used in sections 304.056 to 304.058, the following terms mean:**

**(1) "Crossing control arm enforcement system" or "system", a camera system with two or more camera sensors and computers that produce recorded video and two or more film or digital photographic still images of a motor vehicle being used or operated in a manner that violates section 304.050;**

**(2) "Manufacturer" or "vendor", a company that creates, owns, or has a license or permission to sell, lease, or distribute a crossing control arm enforcement system.**

**2. School districts may enter into intergovernmental agreements with the primary law enforcement agency within the district to issue violations under section 304.050 using an automated crossing control arm enforcement system. The primary law enforcement agency is the police department in any municipality in which the school district is located. If a school district is located in a municipality or county that does not have its own police department, the school district may petition the Missouri state highway patrol for review of the evidence package from the automated crossing control arm enforcement system.**

**3. Law enforcement officers and law enforcement agencies enforcing violations of section 304.050 through the use of automated crossing control arm enforcement systems shall:**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           (1) Review submitted evidence from the manufacturer or vendor of a system to  
19 determine if there is sufficient evidence that a violation under section 304.050 occurred and  
20 electronically certify the notice of violation; and

21           (2) Provide information to a school district related to the law enforcement officer's  
22 or law enforcement agency's capacity to view and authorize the notice of violation.

23           4. The compensation paid to the manufacturer or vendor of the crossing control  
24 arm enforcement system shall not be based on the number of citations issued. The  
25 compensation paid to the manufacturer or vendor of the equipment shall be based upon  
26 the value of the equipment and services provided or rendered in support of the crossing  
27 control arm enforcement system.

28           5. In districts utilizing a crossing control arm enforcement system, the following  
29 shall apply to notice of violation:

30           (1) In the case of a violation involving a vehicle registered in the state, the notice of  
31 violation shall be mailed within thirty days after the commission of the violation or within  
32 thirty days after the discovery of the identity of the registered owner, whichever is later,  
33 to the address of the registered owner as listed in the records of the department;

34           (2) In the case of a violation involving a vehicle registered in another state, the  
35 notice of violation shall be mailed within thirty days after the discovery of the identity of  
36 the registered owner to the address of the registered owner as listed in the records of the  
37 official in the jurisdiction having charge of the registration of the vehicle;

38           (3) A notice of violation under this section shall be provided to an owner within  
39 ninety days of the commission of the offense; and

40           (4) The notice of violation shall have attached to it a copy of the recorded image  
41 showing the vehicle; the registration number and state of issuance of the vehicle  
42 registration; the date, time, and place of the alleged violation; that the violation charged  
43 is under section 304.050 and instructions for return of the notice of violation; and  
44 instructions for how to request a hearing in the circuit court of jurisdiction for the purpose  
45 of contesting liability or notice.

46           6. The following shall apply to payment of a fine:

47           (1) An owner may admit responsibility for the violation and pay the fine as  
48 indicated on the notice of violation;

49           (2) Payment of the fine shall operate as a final disposition of the civil penalty; and

50           (3) If payment is not received or the owner has not contested liability within thirty  
51 days of original notice, the law enforcement agency may turn the matter over to the circuit  
52 court where the violation occurred. The circuit court may assess liability upon the owner  
53 for failure to pay the fine or contest liability.

54           **7. The following shall apply to contesting liability or notice:**

55           **(1) An owner to whom a notice of violation has been issued may, within thirty days**  
56 **of the mailing of the notice, contest the liability alleged in the notice of violation by**  
57 **requesting a hearing with the circuit court where the violation occurred and completing**  
58 **the payment of applicable civil filing fees; and**

59           **(2) The law enforcement agency shall file the notice of violation and supporting**  
60 **documents with the circuit court where the violation occurred and the court shall hear and**  
61 **decide the matter.**

**304.058. 1. The penalty for a violation detected by a crossing control arm**  
2 **enforcement system shall be a civil penalty with a fine of three hundred dollars. The fine**  
3 **shall be distributed to the school district where the violation occurred and such moneys**  
4 **shall be utilized for the installation or maintenance of crossing control arm enforcement**  
5 **systems on school buses.**

6           **2. For each violation detected by a crossing control arm enforcement system, the**  
7 **owner of the vehicle shall be liable for the fine imposed under subsection 1 of this section**  
8 **unless the owner is convicted of the same violation under subsection 7 of section 304.050**  
9 **or has a defense under subsection 6, 7, 8, or 9 of this section.**

10          **3. A violation under this section shall not:**

11          **(1) Be deemed a criminal conviction;**

12          **(2) Be made part of the operating record of the individual upon whom the penalty**  
13 **is imposed under section 302.302;**

14          **(3) Be the subject of merit rating for insurance purposes; or**

15          **(4) Authorize imposition of surcharge points in the provision of motor vehicle**  
16 **insurance coverage.**

17          **4. To the extent practicable, an automated crossing control arm enforcement system**  
18 **shall use necessary technologies to ensure that photographs or recorded video images**  
19 **produced by the system shall not identify the driver, the passengers, or the contents of the**  
20 **vehicle.**

21          **5. No notice of liability issued under this section shall be dismissed solely because**  
22 **a photograph or recorded video image allows for the identification of the driver,**  
23 **passengers, or contents of the vehicle as long as a reasonable effort has been made to**  
24 **comply with subsection 4 of this section.**

25          **6. It shall be a defense to a prosecution using a crossing control arm enforcement**  
26 **system for a violation under section 304.050 that the person named in the citation was not**  
27 **operating the vehicle at the time of the violation. The person shall be required to submit**  
28 **evidence to the court that the person was not the driver at the time of the alleged violation.**

29 **The person named in the citation shall not be required to identify the actual driver of the**  
30 **vehicle at the time the violation occurred.**

31 **7. It shall be a defense to a violation under this section that the person named in the**  
32 **notice of the violation was not operating the vehicle at the time of the violation. The owner**  
33 **may be required to submit evidence that the owner was not the driver at the time of the**  
34 **alleged violation.**

35 **8. If an owner receives a notice of violation under this section for a period during**  
36 **which the vehicle was reported to a police department of any state or municipality as**  
37 **having been stolen, it shall be a defense to a violation under this section that the vehicle was**  
38 **reported stolen to a police department prior to the violation and had not been recovered**  
39 **prior to the violation.**

40 **9. It shall be a defense to a violation under this section that the person receiving the**  
41 **notice of violation was not the owner of the vehicle at the time of the offense.**

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