

By: Longoria

H. B. No. 859

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to the authority of a school district to implement a school  
3 bus monitoring system that records images, including images of  
4 vehicles that pass a stopped school bus; creating an offense;  
5 providing for the imposition of penalties.

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

7 SECTION 1. Section 545.066, Transportation Code, is amended  
8 by adding Subsection (g) to read as follows:

15 SECTION 2. Chapter 545, Transportation Code, is amended by  
16 adding Subchapter J to read as follows:

## SUBCHAPTER J. SCHOOL BUS MONITORING SYSTEM

Sec. 545.451. DEFINITIONS. In this subchapter:

1                   (3) "School bus monitoring system" means a system  
2 authorized by Section 547.701(b)(3).

3                   Sec. 545.452. AUTHORITY TO PROVIDE FOR PENALTY. (a) The  
4 board of trustees of a school district by resolution may impose a  
5 penalty on the registered owner of a vehicle that is operated in a  
6 manner that violates Section 545.066 within the school district.

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

8                   (1) provide for a penalty of not less than \$200 or more  
9 than \$1,000;

10                   (2) authorize an attorney employed by the school  
11 district or an attorney with whom the school district contracts to  
12 bring suit to collect the penalty;

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

15                   (4) provide that a person against whom the school  
16 district seeks to impose a penalty is entitled to a hearing and:

17                   (A) provide for the period in which the hearing  
18 must be held;

19                   (B) provide for the appointment of a hearing  
20 officer with authority to administer oaths and issue orders  
21 compelling the attendance of witnesses and the production of  
22 documents; and

23                   (C) designate the department, agency, or office  
24 of the school district responsible for the enforcement and  
25 administration of the resolution or provide that the entity with  
26 which the school district enters into a memorandum of understanding  
27 under Section 545.453(3) is responsible for the enforcement and

1 administration of the resolution;  
2                   (5) allow for the use of images recorded by the school  
3 bus monitoring system; and  
4                   (6) provide for other procedures the board determines  
5 are necessary for the imposition of a penalty authorized by this  
6 section.

7                   (c) Penalties collected under this section may be used by a  
8 school district only to cover the cost of:  
9                   (1) installing, operating, and maintaining the school  
10 bus monitoring system;  
11                   (2) collecting a penalty imposed under this section;  
12                   (3) developing and implementing a program that  
13 promotes student safety; and  
14                   (4) complying with Section 547.701(e).

15                   Sec. 545.453. INSTALLATION AND OPERATION OF SCHOOL BUS  
16 MONITORING SYSTEM. A school district that implements a school bus  
17 monitoring system under this subchapter may:

18                   (1) contract for the administration and enforcement of  
19 the system;  
20                   (2) install and operate the system or contract for the  
21 installation or operation of the system; and  
22                   (3) enter into a memorandum of understanding with a  
23 municipality or county in which the school district is located  
24 regarding administrative adjudication hearings required by a  
25 resolution adopted under this subchapter.

26                   Sec. 545.454. GENERAL SURVEILLANCE PROHIBITED; OFFENSE.  
27 (a) A school district shall operate a monitoring system authorized

1 by Section 547.701(b)(3) only for the purpose of detecting a  
2 violation or suspected violation of Section 545.066 within the  
3 school district.

4 (b) A person commits an offense if the person uses a school  
5 bus monitoring system to produce a recorded image other than in the  
6 manner and for the purpose specified by a resolution adopted under  
7 Section 545.452.

8 (c) An offense under this section is a Class A misdemeanor.

9 Sec. 545.455. EFFECT ON OTHER ENFORCEMENT. (a) The  
10 implementation of a school bus monitoring system by a school  
11 district under this subchapter does not:

12 (1) preclude the application or enforcement in the  
13 territory of the school district of Section 545.066 in the manner  
14 prescribed by Chapter 543; or

15 (2) prohibit a peace officer from arresting a violator  
16 of Section 545.066 as provided by Chapter 543 or from issuing the  
17 violator a citation and notice to appear as provided by that  
18 chapter.

19 (b) A school district may not impose a penalty under this  
20 subchapter on the owner of a motor vehicle if the operator of the  
21 vehicle was arrested or issued a citation and notice to appear by a  
22 peace officer for the same violation of Section 545.066 recorded by  
23 the school bus monitoring system.

24 Sec. 545.456. NOTICE OF VIOLATION; CONTENTS. (a) The  
25 imposition of a penalty under this subchapter is initiated by the  
26 mailing of a notice of violation to the owner of the motor vehicle  
27 against whom the school district seeks to impose the penalty.

1               (b) Not later than the 30th day after the date the violation  
2        is alleged to have occurred, the designated department, agency, or  
3        office of the school district or the entity with which the school  
4        district enters into a memorandum of understanding under Section  
5        545.453(3) shall mail the notice of violation to the owner at:

6               (1) the owner's address as shown on the registration  
7        records of the Texas Department of Motor Vehicles; or  
8               (2) if the vehicle is registered in another state or  
9        country, the owner's address as shown on the motor vehicle  
10      registration records of the department or agency of the other state  
11      or country analogous to the Texas Department of Motor Vehicles.

12               (c) The notice of violation must contain:

13               (1) a description of the violation alleged;  
14               (2) the location where the violation occurred;  
15               (3) the date and time of the violation;  
16               (4) the name and address of the owner of the vehicle  
17        involved in the violation;

18               (5) the registration number displayed on the license  
19        plate of the vehicle involved in the violation;

20               (6) a copy of a recorded image of the violation that  
21        includes a depiction of the registration number displayed on the  
22        license plate of the vehicle involved in the violation;

23               (7) the amount of the penalty for which the owner is  
24        liable;

25               (8) the number of days the person has in which to pay  
26        or contest the imposition of the penalty;

27               (9) a statement that the owner of the vehicle in the

1 notice of violation may elect to pay the penalty instead of  
2 appearing at the time and place of the administrative adjudication  
3 hearing; and

4                   (10) information that informs the owner of the vehicle  
5 named in the notice of violation:

6                   (A) of the owner's right to contest the  
7 imposition of the penalty against the person in an administrative  
8 adjudication hearing;

9                   (B) that imposition of the penalty may be  
10 contested by submitting a written request for an administrative  
11 adjudication hearing before the expiration of the period specified  
12 under Subdivision (8); and

13                   (C) that failure to pay the penalty or to contest  
14 liability for the penalty in a timely manner is an admission of  
15 liability.

16                   (d) A notice of violation is presumed to have been received  
17 on the fifth day after the date the notice is mailed.

18                   Sec. 545.457. IMPOSITION OF PENALTY NOT A CONVICTION. The  
19 imposition of a penalty under this subchapter is not a conviction  
20 and may not be considered a conviction for any purpose.

21                   SECTION 3. Section 547.701(b), Transportation Code, is  
22 amended to read as follows:

23                   (b) A school bus may be equipped with:

24                   (1) rooftop warning lamps:

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

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1 (B) that are operated under rules adopted by the  
2 school district: [and]

3 (2) movable stop arms:

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

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

8 (3) a monitoring system that:

15 SECTION 4. This Act takes effect September 1, 2017.