



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 233*
135th General Assembly

Bill Analysis

[Click here for S.B. 233's Fiscal Note](#)

Version: As Reported by House Transportation

Primary Sponsors: Sens. DeMora and Kunze

Margaret E. Marcy, Attorney

SUMMARY

Stopping for on-track equipment at a railroad crossing

- Requires a vehicle operator to stop for on-track equipment that may be approaching a railroad crossing.
- Requires school vehicle operators, hazardous materials transporters, and certain construction equipment operators to stop, watch, and listen for on-track equipment that may be approaching a railroad crossing in the same manner as for trains.
- Applies existing penalties to the requirements specified above.
- Generally authorizes a court to order an offender to attend and successfully complete a remedial safety training or presentation regarding rail safety in lieu of a fine or jail term for failing to stop appropriately at a railroad crossing.

Penalties for illegally passing a stopped school bus

- Increases the penalties for illegally passing a stopped school bus that is loading or unloading passengers by setting required minimum fines, increasing the maximum fines, increasing the length of the driver's license suspension, and imposing higher penalties and points on a driver's license for repeat offenders.
- Requires all repeat offenders to attend and successfully complete a school bus safety course, developed by the Director of Public Safety, and authorizes first-time offenders to take the course to lower their fine and waive the imposition of points on their license.

* This analysis was prepared before the report of the House Transportation Committee appeared in the House Journal. Note that the legislative history may be incomplete.

School bus cameras

- Authorizes the installation and use of school bus camera equipment that can capture an image, images, or video solely for purposes of recording violations of illegally passing a stopped school bus.
- Requires the Department of Public Safety (DPS), with the advice of the Department of Education and Workforce (DEW), to adopt rules governing school bus cameras, but prohibits the rules from authorizing the use of cameras for automated enforcement.
- Authorizes the use of an image, images, or video captured by a school bus camera to corroborate a school bus driver's report of a possible violation of illegally passing the driver's stopped school bus.
- Prohibits law enforcement from issuing a citation for illegally passing a stopped school bus solely based on an image, images, or video captured by a school bus camera.

School Bus Safety Fund and Grant Program

- Creates the School Bus Safety Fund in the state treasury, consisting of money appropriated by the General Assembly and criminal fines collected for violations of passing a stopped school bus.
- Requires the Director of Education and Workforce to administer the fund and use the money in it to support efforts by DEW and DPS in educating the public regarding the laws governing school bus safety and to make grants to school districts to improve the safety features on school buses.
- Requires the DEW to administer the School Bus Safety Grant Program.
- Requires the transfer of \$25 million from the State Lottery Profits Education Fund to provide immediate funding for the School Bus Safety Grant Program.

Public education on school bus safety

- Requires DPS, especially through the Bureau of Motor Vehicles (BMV), to require the display of graphics about school bus safety and the laws related to it at deputy registrar offices and on its websites.
- Also requires BMV to issue summaries of those laws and the process of reporting a violation of those laws to persons obtaining a license plate or driver's license.
- Generally, requires DPS, in conjunction with DEW, to educate the public regarding the laws pertaining to school bus safety.

Other student transportation provisions

- Modifies provisions of current law that authorize the use of other vehicles in lieu of a school bus for the transportation of students to specify that the vehicle must have been originally designed and manufactured for not more than ten passengers (including the driver).

Designations

- Designates the month of August as “School Bus Safety Month.”
- Names the bill the “School Bus Safety Act.”

DETAILED ANALYSIS

Stopping for on-track equipment at a railroad crossing

The bill requires vehicle¹ operators to stop for on-track equipment at rail crossings in the same manner that operators are required to stop for trains. Thus, under the bill, a vehicle operator must stop between 15 and 50 feet away from the tracks of a railroad crossing under any of the following circumstances:

1. A clearly visible electric or mechanical signal device gives off its warning for approaching or passing on-track equipment;
2. A flag person gives off a warning for approaching on-track equipment;
3. There is insufficient space on the other side of the railroad crossing so that the vehicle would block the tracks and obstruct on-track equipment from passing; and
4. Approaching on-track equipment is emitting an audible signal or is plainly visible, thus, making it hazardous to cross.²

Regarding (3) and (4) above, the vehicle operator must recklessly fail to stop under the given circumstances in order to be guilty of having violated the prohibition. The bill does not specify a separate mens rea for (1) and (2) above. Presumably, these offenses would be strict liability offenses, as under current law.³

On-track equipment generally includes the large and heavy construction, repair, and cleaning equipment used on railroads. This type of equipment is used for tasks such as repairing the tracks, clearing snow, additional construction, and other activities needed to keep railroad tracks clean, clear, and safe for trains. The equipment is often as big as a locomotive and, thus, can be as dangerous around railroad crossings as a train.

¹ “Vehicle” means every device, including a motorized bicycle and an electric bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that “vehicle” does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power. R.C. 4511.01(A), not in the bill.

² R.C. 4511.62(A)(1). The bill retains current law requirements that vehicle operators stop when a crossing gate is lowered and when there is insufficient undercarriage clearance on a vehicle to safely negotiate the crossing.

³ R.C. 4511.62(A)(2)(b).

Vehicles required to stop every time

Under current law, certain motor vehicle operators are required to stop, watch, and listen for trains at railroad crossings every time they approach such a crossing, including an operator of a school bus, school vehicle, vehicle transporting hazardous material regulated under federal law, and a specified construction vehicle. Under the bill, such operators also are required to stop, watch, and listen for on-track equipment.⁴

Penalties

The bill applies the penalties for failure to stop, watch, and listen for a train to the failure to stop, watch, and listen for on-track equipment. Those penalties are as follows:

1. Failure to stop under any of the circumstances listed in (1) to (4) above: fourth degree misdemeanor;
2. An operator of a school bus, school vehicle, or vehicle carrying hazardous material that is required to stop, watch, and listen *every* time that operator approaches a railroad crossing: minor misdemeanor for first offense and fourth degree misdemeanor if it is the second offense or the offender previously was convicted of or pled guilty to another specified school bus-related offense; and
3. An operator of a construction vehicle that is required to stop, watch, and listen *every* time that operator approaches a railroad crossing: minor misdemeanor/predicate motor vehicle offense on a first offense and a fourth degree misdemeanor if the offender has committed a predicate motor vehicle offense within one year.⁵

Alternative rail safety course

The bill authorizes a court, in lieu of imposing a fine or a jail term on a vehicle operator who failed to stop for a train or on-track equipment (penalty (1) above), to require instead that the offender attend and successfully complete a remedial safety training or presentation regarding rail safety. The training or presentation must be offered by an authorized and qualified organization that is selected by the court and must be completed within 180 days (or less, if specified by the court). The offender must notify the court when the training or presentation is

⁴ R.C. 4511.63 and 4511.64(A); 49 Code of Federal Regulations Parts 100-185. Examples of construction vehicles include a crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway.

⁵ R.C. 4511.62(C), 4511.63(D), and 4511.64(C). A predicate motor vehicle offense is a specified group of traffic offenses in which an offender is guilty of a minor misdemeanor for the first violation of any of the offenses within one year, a fourth degree misdemeanor for the second violation of any of the offenses within one year, and a third degree misdemeanor for a third or subsequent violation of any of the offenses within one year. R.C. 4511.01(III), not in the bill.

completed. The court then must waive the fine or jail term that it otherwise would have imposed.⁶

Penalties for illegally passing a stopped school bus

Background

Under current law, a driver must stop for a school bus when both of the following apply:

1. The driver meets or overtakes the school bus, from either direction; and
2. The school bus is stopped to pick up or drop off a school child, a child attending a Head Start Program, or a person attending programs offered by a community board of mental health or a county board of developmental disabilities.⁷

The driver must stop at least ten feet from the bus and may not proceed until either the bus moves or the school bus driver signals the driver to proceed. (The bill expressly adds that a law enforcement officer also may signal the driver to proceed.)⁸ A school bus driver or any other witness to a driver illegally passing a stopped school bus may report the license plate number, description of the vehicle, and description of the driver to a law enforcement agency. A law enforcement agency that receives this report must investigate the report of the alleged violation to attempt to determine the identity of the driver at the time of the alleged violation. If the agency can determine the identity of the driver, the agency has probable cause (based on the license plate number) to issue a criminal citation to the driver. If the agency cannot determine the identity of the driver, the agency must send a warning to the owner of the vehicle.⁹

Increased penalties

The bill increases the penalties for illegally passing a stopped school bus that is loading or unloading passengers. In short, it makes the fines mandatory rather than permissive, specifies a minimum fine, increases the length of any driver's license suspension imposed, and creates a tiered system with greater penalties for repeat offenders. As under current law, a person must appear in court and cannot enter a plea of guilty and waive the right to contest the citation.¹⁰ A summary of the increased penalties is in the table below.

⁶ R.C. 4511.62(C)(2).

⁷ R.C. 4511.75(A). If the highway is four or more lanes of divided traffic, however, drivers travelling in the opposite direction of the school bus are not required to stop for the school bus. R.C. 4511.75(C).

⁸ R.C. 4511.75(A)(1).

⁹ R.C. 4511.751.

¹⁰ R.C. 4511.75(F)(2).

Penalties for illegally passing a stopped school bus		
Type of penalty	Current law	Under the bill
Level of offense ¹¹	No specification	Unclassified misdemeanor ¹²
Fine ¹³	<u>All offenders</u> Permissive \$0 to \$500	<u>First-time offender</u> Mandatory \$250 to \$1,000 (may be lowered to \$150 by taking educational course) <u>Repeat offender (within 5 years)</u> Mandatory \$350 to \$2000
Driver's license suspension ¹⁴	<u>All offenders</u> Permissive Class 7 (up to a year)	<u>First-time offender</u> Permissive Class 6 (3 months to 2 years) <u>Repeat offender (within 5 years)</u> Mandatory Class 5 (6 months to 3 years)
Points on driver's license	<u>All offenders</u> 2-points (as part of a general "all other moving violations") ¹⁵	<u>First-time offender</u> 2-points (may be waived by taking educational course) <u>Repeat offender (within 5 years)</u> 4-points ¹⁶

¹¹ R.C. 4511.75(F).

¹² As such, other penalties related to misdemeanors are available, but the court is not allowed to impose a fine or a license suspension different from those specified by the statute and may not impose a jail term or community sanction. R.C. 4511.71(F)(6).

¹³ R.C. 4511.75(F)(1).

¹⁴ R.C. 4511.75(F)(3); R.C. 4510.02, not in the bill.

¹⁵ R.C. 4510.036(C)(16) modified to (17) under the bill.

¹⁶ R.C. 4510.036(C)(14) and 4511.75(F)(5).

Penalties for illegally passing a stopped school bus		
Type of penalty	Current law	Under the bill
School bus safety educational course ¹⁷	None	<u>First-time offender</u> Offender may choose to attend and successfully complete the course to lower the fine and waive the points on the offender's driver's license. <u>Repeat offender (within 5 years)</u> Mandatory

Any fines collected by the court must be paid to the School Bus Safety Fund and used for the purposes of that fund (see below).¹⁸

School bus cameras

The bill authorizes the installation and use of school bus camera equipment that can capture an image, images, or video solely for purposes of recording drivers who illegally pass a stopped school bus. DPS, with the advice of DEW, must adopt and enforce rules governing the school bus camera equipment. However, they are prohibited from authorizing the school bus cameras to be used for automated enforcement (i.e., a system that generates citations immediately to the registered owner of the vehicle).¹⁹ Current law neither specifically authorizes nor prohibits the use of cameras on a school bus.

Relatedly, the bill authorizes a school bus driver's report of an alleged illegal passing of a stopped school bus to be corroborated by an image, images, or video captured by a school bus camera. Law enforcement may use the image, images, or video as evidence in their investigation. However, they cannot issue a citation solely based on the image, images, or video. Rather, the image, images, or video must be used in conjunction with the school bus driver's report, any other eye-witness testimony, and evidence gathered through the investigation.²⁰

School Bus Safety Fund and Grant Program

Fund and appropriation

The bill creates the School Bus Safety Fund in the state treasury that consists of money appropriated by the General Assembly and criminal fines collected for violations of passing a stopped school bus. The Director of Education and Workforce is responsible for administering

¹⁷ R.C. 4511.75(F)(4). The Director of Public Safety must develop the contents and duration of the course.

¹⁸ R.C. 4511.75(G).

¹⁹ R.C. 4511.76(A).

²⁰ R.C. 4511.751(B) and (C).

the fund. The Director may use money in the fund for two purposes — grants to school districts for the installation of school bus safety features and to provide financial support to the Department of Education and Workforce (DEW) and the Department of Public Safety (DPS) for educating the public about school bus safety laws. All investment earnings of the fund must be credited back to the fund.²¹

The bill requires \$25 million to be transferred from the Lottery Profits Education Fund (GRF) to be used to provide immediate funding for the School Bus Safety Grant Program and appropriates it for fiscal year 2025. Any unexpended and unencumbered portion is reappropriated for fiscal year 2026. Additional, long-term funding for the School Bus Safety Fund may come at a future date.²²

Grants for school bus safety features

As indicated above, DEW must administer a School Bus Safety Grant Program. Under the program, DEW must award grants to eligible applicants²³ to help fund any of the following:

1. The purchase and installation of school bus safety features on the applicant's school buses that do not currently have those features installed;
2. The purchase and installation of school bus safety features to replace old, broken, or outdated safety features on the applicant's current school buses; and
3. The purchase of school bus safety features as additional features to be included on new school buses being purchased by the applicant.

The list of school bus safety features covered by the grant program are based on recommendations from the Ohio School Bus Safety Working Group, created by Governor DeWine. They include all of the following:

- External school bus cameras;
- Crossing arms;
- Lane departure warning systems;
- Electronic stability control;
- Lighted crossover mirrors;
- Colorado rack test-approved bus frames;
- Fully illuminated stop arms located at the front and rear of the school bus;

²¹ R.C. 3327.18.

²² Sections 3, 4, 5, and 6.

²³ An "eligible applicant" is a board of education of a city school district, a local school district, and exempted village school district, a cooperative education school district, or a joint vocational school district, or a governing board of an educational service center. R.C. 3327.19(A)(1).

- Fully illuminated “school bus” signs;
- Collision avoidance systems;
- All light-emitting diode lights;
- Ground wash lights;
- Reflective chevron;
- Seat belts; and
- Any additional safety features that become available through advancements in technology that are approved by DPS and DEW.²⁴

The Director of Education and Workforce must establish the procedures and requirements necessary to administer the program, including the form of the grant application and the award processes and amounts. Any applicant who receives a grant through the program must use the funds only towards the purchase and installation of school bus safety features and must spend the funds within two years of their distribution to the applicant.²⁵

Public education on school bus safety

The bill generally requires DPS, in conjunction with DEW, to educate the public regarding the laws pertaining to school bus safety.²⁶ As part of those efforts, DPS, through the Bureau of Motor Vehicles (BMV), the Registrar of Motor Vehicles, and the deputy registrars must display at each deputy registrar office and each driver examination location, at all times and in a prominent place, a graphic that instructs drivers to stop and yield to a stopped school bus that is loading or unloading passengers. That graphic also must be displayed on the BMV website.²⁷ Additionally, through the BMV website and at the time of issuing license plates or a driver’s license to any person, the Registrar and deputy registrars must provide access to a summary of the following:

- The requirement to stop and yield to a school bus that is stopped to load or unload passengers;
- The penalties for failing to stop and yield to that stopped school bus; and
- The process that allows a witness to an illegal passing of a stopped school bus to corroborate the school bus driver’s report to law enforcement.²⁸

²⁴ See “[Ohio School Bus Safety Working Group Issues 17 Recommendations.](#)” It can be found by searching “school bus safety” on the Ohio Governor’s website at: governor.ohio.gov.

²⁵ R.C. 3327.19.

²⁶ R.C. 4511.76(A).

²⁷ R.C. 4503.03(D)(1)(m).

²⁸ R.C. 4511.751(D).

Other student transportation provisions

The bill modifies provisions of current law relating to other forms of student transportation using vehicles that are not school buses. Specifically, current law authorizes the use of vehicles that are designed to transport “nine passengers, not including the driver.” The bill redefines such vehicles as being “ten-passenger vehicles, including the driver” and specifies that the vehicle must have been originally *manufactured* (in addition to designed as in current law) for not more than ten passengers. As such, a vehicle designed and manufactured to hold more than ten people, but then modified by removing seats to hold only ten people, does not meet the qualifications for the alternate vehicles for student transportation.²⁹

Designations

“School Bus Safety Awareness Month”

The bill designates August as “School Bus Safety Awareness Month.” The month is so designated to increase public awareness of the need to properly stop when a stopped school bus is loading and unloading passengers.³⁰

“School Bus Safety Act”

The bill is officially named the “School Bus Safety Act.”³¹

HISTORY

Action	Date
Introduced	03-05-24
Reported, S. Transportation	05-22-24
Re-referred, S. Rules & Reference	11-12-24
Re-reported, S. Judiciary	11-13-24
Passed Senate (31-0)	11-13-24
Reported, H. Transportation	---

ANSB0233RH-135/sb

²⁹ R.C. 4511.76(E), (F), and (G).

³⁰ R.C. 5.501.

³¹ Section 7.