



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 23
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 23's Bill Analysis](#)

Version: As Introduced

Primary Sponsor: Sen. Gavarone

Local Impact Statement Procedure Required: No

Maggie West, Senior Budget Analyst, and other LBO staff

Highlights

- The number of tickets issued for a civil violation of the bill's illegally passing a stopped school bus prohibition, and related amount of fine money that may be generated for distribution, is indeterminate.
- The bill's \$300 fine for a civil violation is distributed as follows: \$250 to the school bus owner, \$25 to the local jurisdiction, and \$25 to the newly created School Bus Safety and Education Fund.
- The operating costs for any given local law enforcement agency to establish and maintain the bill's civil enforcement scheme is indeterminate.
- The number of contested civil tickets will determine the amount of work and related operating costs for law enforcement, clerks of courts, and courts.

Detailed Analysis

Current law prohibits the driver of a motor vehicle from illegally passing a stopped school bus. A driver who violates the prohibition may be fined up to \$500, and the court may impose a Class 7 driver's license suspension (not to exceed one year). The number of convictions for a violation of the prohibition averaged 1,426 annually statewide from calendar years 2015-2018, based on data reported to the Bureau of Motor Vehicles.

The bill creates a civil enforcement scheme to be used when a school bus camera captures the license plate of a vehicle illegally passing a stopped school bus, but the driver cannot be identified, and specifies that the fine for a civil violation is \$300 and how it is to be distributed. In order to issue a ticket for a civil violation to the vehicle owner, the school bus owner is required to have installed school bus cameras on all actively operated buses. The bill expressly authorizes

cameras to be installed on school buses to provide an image, images, or video of a person illegally passing a school bus.

Some school districts have already equipped all or part of their bus fleets with stop-arm cameras. According to various news reports, these districts have reported an increase in violations for illegally passing a stopped school bus, and in some instances led to the issuance of criminal citations by law enforcement.

Civil enforcement

The bill:

- Requires law enforcement, after receiving a report that someone has illegally passed a stopped school bus to conduct an investigation, take certain specified courses of action to issue a criminal citation, a ticket for a civil violation, or a warning;
- Specifies procedures that a ticket recipient must follow to respond to the ticket; and
- Specifies procedures a court must follow when conducting a hearing for a contested civil penalty ticket.

The operating costs for any given local law enforcement agency to establish and maintain the bill's civil enforcement scheme law is indeterminate. To the degree that civil tickets are contested, additional work is created for law enforcement, clerks of court, and courts.

Civil penalty distribution

The bill specifies that the civil penalty for illegally passing a stopped school bus is \$300, to be distributed as follows:

- \$25 to the local jurisdiction issuing the ticket;
- \$25 to the newly created School Bus Safety and Education Fund; and
- \$250 to the entity responsible for the operation of the school bus.¹

The number of tickets issued for a civil violation and related amount of fine money that may be generated for distribution is indeterminate.

School Bus Safety and Education Fund

The bill creates the School Bus Safety and Education Fund and requires the Superintendent of Public Instruction to use the money credited to the fund to enhance school bus safety and raise public awareness of school bus safety laws. All investment earnings of the fund are to be credited to the fund. The fund's cash flow activity will be determined by the amount of civil penalty money collected and distributed annually.

School bus operators

Most yellow school buses in Ohio are owned and operated by school districts while some are operated via contract. As described above, \$250 of the \$300 civil penalty is distributed to

¹ If the entity responsible for the operation of the school bus is in contract with a school bus camera vendor for installing and managing the cameras, the bill prohibits the installer from receiving more than \$150, or 60%, of this amount.

school bus operators. The amount of annual revenue to school districts will depend on the number of citations issued in a given school district and whether or not the district is under contract with a company to install and manage cameras on the district's school buses.

Rule adoption for school bus cameras

The bill requires the Director of Public Safety, with the advice of the Superintendent of Public Instruction, to adopt rules relating to the construction, design, and equipment of cameras that can provide an image, images, or video solely for purposes of capturing a driver who illegally passes a stopped school bus. The one-time operating costs to perform the necessary rule adoption activities are likely to be minimal at most, and absorbed by the departments of Public Safety and Education by utilizing existing staff and resources.

“School Bus Safety Awareness Month”

The bill designates August as “School Bus Safety Awareness Month” to increase public awareness of the need to properly stop when a stopped school bus is loading and unloading passengers. This provision has no direct fiscal effect on the state or political subdivisions, as it requires no action by the state or political subdivisions.