Resolution #19-?? – ALLOWING THE USE OF VIDEO EVIDENCE TO ENFORCE SCHOOL BUS STOP ARM VIOLATIONS

WHEREAS, Montana law requires drivers overtaking a school bus from either direction to stop while the school bus is operating visual flashing red signals as specified in **61-9-402** and the driver may not proceed until the children have entered the school bus or have alighted and reached the side of the highway or street and until the school bus ceases operation of its visual flashing red signal; and

WHEREAS, the National Highway Traffic Safety Administration (NHTSA) notes stop arm laws are particularly challenging to enforce because violations occur randomly, as opposed to at certain times or locations, and typically must be witnessed by a law enforcement officer in order for a ticket to be issued; and

WHEREAS, Montana school buses travel millions of miles per year on roads, highways, and streets not heavily monitored by law enforcement at all times; and

WHEREAS, Montana schools leverage technology in many ways to ensure our students safety while they are in the schools’ care; and

BE IT RESOLVED, that SAM will support legislative action authorizing the use of stop arm camera technology to substantiate the reporting of stop arm violations. The implementation of such technology will remain at the discretion of local trustees, not mandatory, and the cost of implementation can come from any applicable fund allowed by law including but not limited to Transportation, Bus Depreciation, and/or School Safety monies.

Designation: Support

Rationale:

In our district we are receiving reports from our drivers of stop arm violations far too often; in speaking to other districts this is an all too common problem across the state.

There is a technological tool readily available and currently in use by at least fifteen states, many of them rural, and required in Wyoming which would allow better reporting and enforcement of this often-unenforceable law. By leveraging these exterior mounted cameras current law can be enforced more often, deterring drivers from passing school buses while they are picking up or dropping off children, especially in situations where law enforcement officers are not always able to monitor in real time. More widespread enforcement of this law should lead to fewer of these dangerous situations, preventing possible accidents and even tragedy.

This proposed change to the law allows districts the option to implement stop arm camera technology; it does not require it. Local trustees will make that decision as well as the determination as to where the funding for the equipment will come from.

I have legislators willing to carry this bill; I am just asking SAM to support it as part of our safety platform. The law will require that the stop arm camera capture the flashing lights of the bus, the car as it violates the stop arm, and the license plate of the violating vehicle. Violations caught on camera will be subject to a civil penalty of no more than $500, treated similar to parking tickets as they will be issued to the owner or lessee of the vehicle; they are not counted as a moving violation.