

HB 4223

2010 APR -1 PM 4:28

OFFICE OF THE CLERK
WEST VIRGINIA
STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2010



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4223**

(By Delegates Klempa, Hutchens, Schoen, Ferro,
Hamilton, Ennis, Brown, Varner, Ellem,
Pethel and Caputo)



Passed March 13, 2010

In Effect Ninety Days From Passage

E N R O L L E D

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WEST VIRGINIA
SECRETARY OF STATE

H. B. 4223

(BY DELEGATES KLEMPA, HUTCHINS, SCHOEN, FERRO,
HAMILTON, ENNIS, BROWN, VARNER, ELLEM,
PETHTEL AND CAPUTO)

[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §17C-12-7 of the Code of West Virginia, 1931, as amended, relating generally to increasing the safety of school children that use school buses; increasing the penalties for overtaking and passing a school bus stopped for the purpose of receiving and discharging children; authorizing the mounting of cameras on school buses; and requesting an educational information campaign on school bus safety.

Be it enacted by the Legislature of West Virginia:

That §17C-12-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 12. SPECIAL STOPS REQUIRED.

§17C-12-7. Overtaking and passing school bus; penalties; signs and warning lights upon buses; requirements for sale of buses; mounting of cameras; educational information campaign; limitation on idling.

1 (a) The driver of a vehicle, upon meeting or overtaking
2 from either direction any school bus which has stopped for
3 the purpose of receiving or discharging any school children,
4 shall stop the vehicle before reaching the school bus when
5 there is in operation on the school bus flashing warning
6 signal lights, as referred to in section eight of this article, and
7 the driver may not proceed until the school bus resumes
8 motion, or is signaled by the school bus driver to proceed or
9 the visual signals are no longer actuated. This section applies
10 wherever the school bus is receiving or discharging children
11 including, but not limited to, any street, highway, parking lot,
12 private road or driveway: *Provided*, That the driver of a
13 vehicle upon a controlled access highway need not stop upon
14 meeting or passing a school bus which is on a different
15 roadway or adjacent to the highway and where pedestrians
16 are not permitted to cross the roadway.

17 (b) Any driver acting in violation of subsection (a) of this
18 section is guilty of a misdemeanor and, upon conviction for
19 a first offense, shall be fined not less than \$150 or more than
20 \$500, or confined in jail not more than six months, or both
21 fined and confined. Upon conviction of a second violation of
22 subsection (a), the driver shall be fined \$500, or confined in
23 jail not more than six months, or both fined and confined.
24 Upon conviction of a third or subsequent violation of
25 subsection (a), the driver shall be fined \$500, and confined
26 not less than twenty-four hours in jail but not more than six
27 months.

28 (c) In addition to the penalties prescribed in subsections
29 (b) of this section, the Commissioner of Motor Vehicles
30 shall, upon conviction, suspend the driver's license of the
31 person so convicted:

32 (1) Of a first offense under subsection (b) of this section,
33 for a period of thirty days;

34 (2) Of a second offense under subsection (b) of this
35 section, for a period of ninety days; or

36 (3) Of a third or subsequent offense under subsection (b)
37 of this section, for a period of one hundred and eighty days.

38 (d) Any driver of a vehicle who willfully violates the
39 provisions of subsection (a) of this section and the violation
40 causes serious bodily injury to any person other than the
41 driver, is guilty of a felony and, upon conviction, shall be
42 confined in a state correctional facility not less than one year
43 nor more than three years and fined not less than \$500 nor
44 more than \$2,000.

45 (e) Any driver of a vehicle who willfully violates the
46 provisions of subsection (a) of this section, and the violation
47 causes death, is guilty of a felony and, upon conviction, shall
48 be confined in a state correctional facility not less than one
49 year nor more than ten years and fined not less than \$1,000
50 nor more than \$3,000.

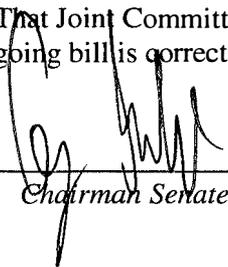
51 (f) Every bus used for the transportation of school children
52 shall bear upon the front and rear of the bus a plainly visible sign
53 containing the words "school bus" in letters not less than eight
54 inches in height. When a contract school bus is being operated
55 upon a highway for purposes other than the actual transportation
56 of children either to or from school, all markings on the contract
57 school bus indicating "school bus" shall be covered or
58 concealed. Any school bus sold or transferred to another owner
59 by a county board of education, agency or individual shall have
60 all flashing warning lights disconnected and all lettering
61 removed or permanently obscured, except when sold or
62 transferred for the transportation of school children.

63 (g) Every county board of education is hereby authorized
64 to mount a camera on any school bus for the purpose of
65 enforcing this section or for any other lawful purpose.

66 (h) To the extent that state, federal or other funds are
67 available, the State Police shall conduct an information
68 campaign to educate drivers concerning the provisions of this
69 section and the importance of school bus safety.

70 (i) The State Board of Education shall promulgate a rule
71 in accordance with the provisions of article three-b, chapter
72 twenty-nine-a of this code governing the idling of school
73 buses.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



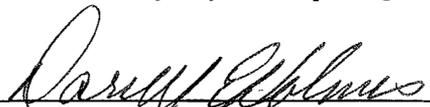
Chairman Senate Committee



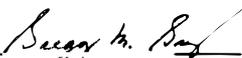
Chairman House Committee

Originating in the House.

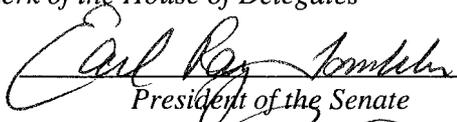
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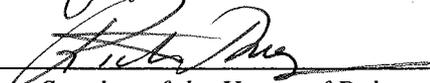
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 18th
day of April, 2010.



Governor

PRESENTED TO THE
GOVERNOR

MAR 29 2010

Time 10:05a