

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4198**

BY DELEGATES MOYE, PERRY, ROHRBACH, FRICH,  
COOPER, AMBLER, DUKE, SPONAUGLE, LYNCH AND  
RODIGHERO

[Introduced January 21, 2016; Referred  
to the Committee on Roads and Transportation then  
the Judiciary.]

1 A BILL to amend and reenact §17C-12-7 of the Code of West Virginia, 1931, as amended, relating  
2 to increasing the safety of school children who use school buses; adding penalties for  
3 overtaking and passing a school bus stopped for the purpose of receiving and discharging  
4 children.

*Be it enacted by the Legislature of West Virginia:*

1 That §17C-12-7 of the Code of West Virginia, 1931, as amended, be amended and  
2 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 from either direction any school  
2 bus which has stopped for the purpose of receiving or discharging any school children, shall stop  
3 the vehicle before reaching the school bus when there is in operation on the school bus flashing  
4 warning signal lights, as referred to in section eight of this article, and the driver may not proceed  
5 until the school bus resumes motion, or is signaled by the school bus driver to proceed or the  
6 visual signals are no longer actuated. This section applies wherever the school bus is receiving  
7 or discharging children including, but not limited to, any street, highway, parking lot, private road  
8 or driveway: *Provided*, That the driver of a vehicle upon a controlled access highway need not  
9 stop upon meeting or passing a school bus which is on a different roadway or adjacent to the  
10 highway and where pedestrians are not permitted to cross the roadway.

11 (b) Any driver acting in violation of subsection (a) of this section is guilty of a misdemeanor  
12 and, upon conviction for a first offense, shall be fined not less than \$150 or more than \$500, or  
13 confined in jail not more than six months, or both fined and confined. Upon conviction of a second  
14 violation of subsection (a), the driver shall be fined \$500, or confined in jail not more than six  
15 months, or both fined and confined. Upon conviction of a third or subsequent violation of

16 subsection (a), the driver shall be fined \$500, and confined not less than twenty-four hours in jail  
17 but not more than six months.

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

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

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

23 or

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

26 (d) If the identity of the driver cannot be ascertained, then any owner or lessee of the  
27 vehicle in violation of this subsection is guilty of a misdemeanor and, upon conviction thereof shall  
28 be fined not less than \$100 nor more than \$500. The conviction does not subject the owner or  
29 lessee to further administrative or other penalties for the offense, notwithstanding other provisions  
30 of this code to the contrary.

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

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

39 ~~(f)~~ (g) Every bus used for the transportation of school children shall bear upon the front  
40 and rear of the bus a plainly visible sign containing the words "school bus" in letters not less than  
41 eight inches in height. When a contract school bus is being operated upon a highway for purposes

42 other than the actual transportation of children either to or from school, all markings on the  
43 contract school bus indicating "school bus" shall be covered or concealed. Any school bus sold  
44 or transferred to another owner by a county board of education, agency or individual shall have  
45 all flashing warning lights disconnected and all lettering removed or permanently obscured, except  
46 when sold or transferred for the transportation of school children.

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

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

52 ~~(i)~~ (j) The State Board of Education shall promulgate a rule in accordance with the  
53 provisions of article three-b, chapter twenty-nine-a of this code governing the idling of school  
54 buses.

NOTE: The purpose of this bill is to increase the safety of school children who use school buses by adding penalties for overtaking and passing a school bus stopped for the purpose of receiving and discharging children.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.