

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 238

FISCAL
NOTE

BY SENATORS BALDWIN, CLINE, JEFFRIES, AND LINDSAY

[Introduced January 10, 2019; Referred
to the Committee on Transportation and Infrastructure; and
then to the Committee on 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 fines for passing a stopped school bus; lengthening license suspension for
 3 said offense; and providing for exterior cameras on all new county school buses.

Be it enacted by the Legislature of West Virginia:

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 §17C-12-8 of this code, 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 §17C-12-7(a) of this code is guilty of a misdemeanor
 12 and, upon conviction for a first offense, shall be fined not less than ~~\$250~~ \$500 or more than ~~\$500~~
 13 \$1,000, or confined in jail not more than six months, or both fined and confined. Upon conviction
 14 of a second violation of §17C-12-7(a) of this code, the driver shall be fined not less than ~~\$500~~
 15 \$1,000 nor more than ~~\$1,000~~ \$1,500, or confined in jail not more than six months, or both fined
 16 and confined. Upon conviction of a third or subsequent violation of §17C-12-7(a) of this code, the
 17 driver shall be fined ~~\$1,000~~ \$2,000, and confined not less than 48 hours in jail but not more than
 18 six months.

19 (c) Where the actual identity of the operator of a motor vehicle operated in violation of
20 §17C-12-7(a) of this code is unknown but the license plate number of the motor vehicle is known,
21 it may be inferred that the operator was an owner or lessee of the motor vehicle for purposes of
22 the probable cause determination. Where there is more than one registered owner or lessee, the
23 inference created by this subsection shall apply to the first listed owner or lessee as found on the
24 motor vehicle registration: *Provided*, That a person charged with a violation of §17C-12-7(a) of
25 this code under the provisions of this subsection where the sole evidence against the owner or
26 lessee is the presence of the vehicle at the scene at the time of the offense shall only be subject
27 to the applicable fine set forth in §17C-12-7(b) of this code upon conviction: *Provided*,
28 *however*, That, the offenses set forth in §17C-12-7(f) and §17C-12-7(g) of this code are separate
29 and distinct from that set forth in §17C-12-7(a) of this code.

30 (d) Service of process of a complaint issued pursuant to §17C-12-7(c) of this code shall
31 be effected consistent with West Virginia Rule of Criminal Procedure 4.

32 (e) In addition to the penalties prescribed in subsections §17C-12-7(b) of this code, the
33 Commissioner of Motor Vehicles shall, upon conviction, suspend the driver's license of the person
34 so convicted:

35 (1) Of a first offense under §17C-12-7(b) of this code, for a period of ~~thirty~~ 60 days;

36 (2) Of a second offense under §17C-12-7(b) of this code, for a period of ~~ninety~~ 180 days;

37 or

38 (3) Of a third or subsequent offense under §17C-12-7(b) of this code, for a period of ~~one~~
39 ~~hundred eighty days~~ one year.

40 (f) Any driver of a vehicle who willfully violates the provisions of §17C-12-7(a) of this code
41 and the violation causes serious bodily injury to any person other than the driver, is guilty of a
42 felony and, upon conviction, shall be confined in a state correctional facility not less than one year
43 nor more than three years and fined not less than ~~\$500~~ \$2,000 nor more than ~~\$2,000~~ \$5,000.

44 (g) Any driver of a vehicle who willfully violates the provisions of §17C-12-7(a) of this code,

45 and the violation causes death, is guilty of a felony and, upon conviction, shall be confined in a
46 state correctional facility not less than one year nor more than 10 years and fined not less than
47 ~~\$1,000~~ \$5,000 nor more than ~~\$3,000~~ \$10,000.

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

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

58 (j) Every county board of education shall install forward-facing cameras on all new school
59 buses for the purpose of enforcing this section or for any other lawful purpose.

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

63 ~~(l)~~ (l) The State Board of Education shall promulgate a rule in accordance with the
64 provisions of §29A-3B-1 *et seq.* of this code governing the idling of school buses.

NOTE: The purpose of this bill is to increase the penalties for passing stopped school buses and provide for the installation of forward-facing cameras on new school buses to aid in enforcement of this section.

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