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WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003

ENROLLED

House Bill No. 2961

(By Delegates Perry, Shaver, Beach and Fleischauer)

Passed March 8, 2003

In Effect Ninety Days from Passage

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STATE OF WEST VIRGINIA

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H. B. 2961

(BY DELEGATES PERRY, SHAVER,
BEACH AND FLEISCHAUER)

[Passed March 8, 2003; in effect ninety days from passage.]

AN ACT to amend and reenact section seven, article twelve, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to school buses generally; and requiring the state board of education develop a policy concerning idling of school buses.

Be it enacted by the Legislature of West Virginia:

That section seven, article twelve, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, 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; removal of warning lights, lettering, etc., upon sale of buses; highways with separate roadways; limitation on idling.

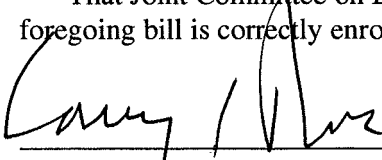
1 (a) The driver of a vehicle, upon meeting or overtaking
2 from either direction any school bus which has stopped for the
3 purpose of receiving or discharging any school children, shall
4 stop the vehicle before reaching the school bus when there is in
5 operation on the school bus flashing warning signal lights, as
6 referred to in section eight of this article, and the driver shall
7 not proceed until the school bus resumes motion, or is signaled
8 by the school bus driver to proceed or the visual signals are no
9 longer actuated. This section applies wherever the school bus is
10 receiving or discharging children including, but not limited to,
11 any street, highway, parking lot, private road or driveway:
12 *Provided*, That the driver of a vehicle upon a controlled access
13 highway need not stop upon meeting or passing a school bus
14 which is on a different roadway or adjacent to the highway and
15 where pedestrians are not permitted to cross the roadway. Any
16 driver acting in violation of this subsection is guilty of a
17 misdemeanor and, upon conviction, shall be fined not less than
18 fifty nor more than two hundred dollars, or imprisoned in the
19 county jail not more than six months, or both fined and impris-
20 oned. If the identity of the driver cannot be ascertained, then
21 any owner or lessee of the vehicle in violation of this subsection
22 is guilty of a misdemeanor and, upon conviction, shall be fined
23 not less than twenty-five nor more than one hundred dollars.
24 The conviction shall not subject the owner or lessee to further
25 administrative or other penalties for the offense, notwithstand-
26 ing other provisions of this code to the contrary.

27 (b) Every bus used for the transportation of school children
28 shall bear upon the front and rear of the bus a plainly visible
29 sign containing the words "school bus" in letters not less than
30 eight inches in height. When a contract school bus is being
31 operated upon a highway for purposes other than the actual
32 transportation of children either to or from school, all markings
33 on the contract school bus indicating "school bus" shall be
34 covered or concealed. Any school bus sold or transferred to
35 another owner by a county board of education, agency or

36 individual shall have all flashing warning lights disconnected
37 and all lettering removed or permanently obscured, except
38 when sold or transferred for the transportation of school
39 children.

40 (c) The state board of education shall write a policy
41 governing the idling of school buses.

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



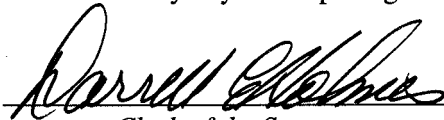
Chairman Senate Committee



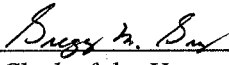
Chairman House Committee

Originating in the House.

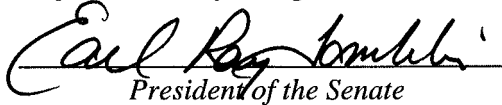
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Clerk of the Senate



Clerk of the House of Delegates

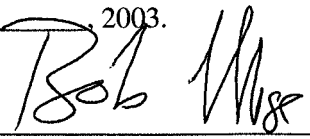


President of the Senate



Speaker of the House of Delegates

The within is approved this the 1st
day of April, 2003.



Governor

PRESENTED TO THE
GOVERNOR

Date 3/26/03

Time 4:10 pm