

H. B. 4539

(By Delegates Poore, Moore, Staggers,
Skaff, Guthrie, Stephens, Morgan, Diserio,
Jones, Fragale and Iaquina)

[Introduced February 14, 2014; referred to the
Committee on the Judiciary.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §17C-12-7b relating
to requiring motor vehicles to stop when a public
transportation vehicle is stopped and receiving or dropping
off passengers; and providing criminal penalties.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §17C-12-7b, to read as
follows:

ARTICLE 12. SPECIAL STOPS REQUIRED.

**§17C-12-7b. Overtaking and passing public transportation vehicle
that is stopped and receiving or dropping off
passengers; penalties.**

(a) The driver of a vehicle, upon meeting or overtaking from
either direction any public transportation vehicle which has
stopped for the purpose of receiving or discharging any passengers,

1 shall stop the vehicle before reaching the public transportation
2 vehicle, and the driver may not proceed until the public
3 transportation vehicle resumes motion or is signaled by the driver
4 of the public transportation vehicle to proceed. This section
5 applies wherever the public transportation vehicle is receiving or
6 discharging passengers including, but not limited to, any street,
7 highway or parking lot: *Provided*, That the driver of a vehicle
8 upon a controlled access highway need not stop upon meeting or
9 passing a public transportation vehicle which is on a different
10 roadway or adjacent to the highway and where pedestrians are not
11 permitted to cross the roadway.

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

22 (c) In addition to the penalties prescribed in subsections (b)
23 of this section, the Commissioner of Motor Vehicles shall, upon
24 conviction, suspend the driver's license of the person so

1 convicted:

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

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

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

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

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

NOTE: The purpose of this bill is to require motor vehicles to stop when a public transportation vehicle is stopped and receiving or dropping off passengers. The bill provides criminal penalties for violations.

§17C-12-7b is new; therefore, it has been completely underscored.

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