

H. B. 2923

(By Delegate Hanshaw)

[Introduced February 24, 2015; referred to the
Committee on Education then the Judiciary.]

A BILL to amend and reenact §17C-12-9 of the Code of West Virginia, 1931, as amended, relating to complaints by school bus drivers, against drivers who illegally pass or overtake a school bus, based on the school bus driver's personal knowledge of the identity of the driver, the vehicle or the license plate number of the vehicle.

Be it enacted by the Legislature of West Virginia:

That §17C-12-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 12. SPECIAL STOPS REQUIRED.

§17C-12-9. School bus drivers may present complaint directly to magistrate.

Notwithstanding any other provision of this code to the contrary, a person authorized by law to operate a school bus, as that term is defined in section seven, article one, chapter seventeen-c, may submit a complaint directly to a magistrate without first presenting the complaint to the prosecuting attorney or other law-enforcement agency, if the complaint is based upon a violation of subsection

1 (a), section seven, article twelve, chapter seventeen-c. The complaint may be based on the school
2 bus driver's personal knowledge of the identity of the driver of the vehicle or the license plate
3 number of the vehicle.

4 The complaint shall be in the form of a written statement of the essential facts constituting
5 the offense charged. The complaint shall be presented to and sworn before a magistrate in the county
6 where the offense is alleged to have occurred.

7 If it appears from the complaint, or from an affidavit or affidavits filed with the complaint,
8 that there is probable cause to believe that an offense has been committed and that the defendant
9 committed it, a warrant for the arrest of the defendant shall be issued to any officer authorized by law
10 to arrest persons charged with offenses against the state.

NOTE: The purpose of this bill is to authorize complaints by school bus drivers, against drivers who illegally pass or overtake a school bus, based on the school bus driver's personal knowledge of the identity of the driver, the vehicle or the license plate number of the vehicle.

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