Introduced

Senate Bill 238

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]
A BILL to amend and reenact §17C-12-7 of the Code of West Virginia, 1931, as amended, relating to increasing fines for passing a stopped school bus; lengthening license suspension for 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.

(a) The driver of a vehicle, upon meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging any school children, shall stop the vehicle before reaching the school bus when there is in operation on the school bus flashing warning signal lights, as referred to in §17C-12-8 of this code, and the driver may not proceed until the school bus resumes motion, or is signaled by the school bus driver to proceed or the visual signals are no longer actuated. This section applies wherever the school bus is receiving or discharging children including, but not limited to, any street, highway, parking lot, private road or driveway: Provided, That the driver of a vehicle upon a controlled access highway need not stop upon meeting or passing a school bus which is on a different roadway or adjacent to the highway and where pedestrians are not permitted to cross the roadway.

(b) Any driver acting in violation of §17C-12-7(a) of this code is guilty of a misdemeanor and, upon conviction for a first offense, shall be fined not less than $250 $500 or more than $500 $1,000, or confined in jail not more than six months, or both fined and confined. Upon conviction of a second violation of §17C-12-7(a) of this code, the driver shall be fined not less than $500 $1,000 nor more than $1,000 $1,500, or confined in jail not more than six months, or both fined and confined. Upon conviction of a third or subsequent violation of §17C-12-7(a) of this code, the driver shall be fined $1,000 $2,000, and confined not less than 48 hours in jail but not more than six months.
(c) Where the actual identity of the operator of a motor vehicle operated in violation of §17C-12-7(a) of this code is unknown but the license plate number of the motor vehicle is known, it may be inferred that the operator was an owner or lessee of the motor vehicle for purposes of the probable cause determination. Where there is more than one registered owner or lessee, the inference created by this subsection shall apply to the first listed owner or lessee as found on the motor vehicle registration: Provided, That a person charged with a violation of §17C-12-7(a) of this code under the provisions of this subsection where the sole evidence against the owner or lessee is the presence of the vehicle at the scene at the time of the offense shall only be subject to the applicable fine set forth in §17C-12-7(b) of this code upon conviction: Provided, however, That, the offenses set forth in §17C-12-7(f) and §17C-12-7(g) of this code are separate and distinct from that set forth in §17C-12-7(a) of this code.

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

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

1. Of a first offense under §17C-12-7(b) of this code, for a period of thirty 60 days;
2. Of a second offense under §17C-12-7(b) of this code, for a period of ninety 180 days;

or

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

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

(g) Any driver of a vehicle who willfully violates the provisions of §17C-12-7(a) of this code,
and the violation causes death, is guilty of a felony and, upon conviction, shall be confined in a
state correctional facility not less than one year nor more than 10 years and fined not less than
$1,000 $5,000 nor more than $3,000 $10,000.

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

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

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

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

(l) The State Board of Education shall promulgate a rule in accordance with the
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.