

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 2132**

By Delegate Holstein

[Introduced February 12, 2025; referred  
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 the penalties for passing a school bus.

*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 bus  
2 which has stopped for the purpose of receiving or discharging any school children, shall stop the  
3 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 until  
5 the school bus resumes motion, or is signaled by the school bus driver to proceed or the visual  
6 signals are no longer actuated. This section applies wherever the school bus is receiving or  
7 discharging children including, but not limited to, any street, highway, parking lot, private road, or  
8 driveway: Provided, That the driver of a vehicle upon a controlled access highway need not stop  
9 upon meeting or passing a school bus which is on a different roadway or adjacent to the highway  
10 and where pedestrians are not permitted to cross the roadway.

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

(c) Where the actual identity of the operator of a motor vehicle operated in violation of subsection (a) of this section 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 subsection (a) of this section, 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 subsection (b) of this section upon conviction: Provided, however, That the offenses set forth in subsections (f) and (g) of this section are separate and distinct from that set forth in subsection (a) of this section.

(d) Service of process of a complaint issued pursuant to subsection (c) of this section shall be effected consistent with West Virginia Rule of Criminal Procedure 4.

(e) In addition to the penalties prescribed in subsection (b) of this section, the Commissioner of Motor Vehicles shall, upon conviction, suspend the driver's license of the person so convicted:

(1) Of a first offense under subsection (b) of this section, for a period of 60 days;

(2) Of a second offense under subsection (b) of this section, for a period of 180 days; or

(3) Of a third or subsequent offense under subsection (b) of this section, for a period of one year.

(f) Any driver of a vehicle who willfully violates the provisions of subsection (a) of this section 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 \$2,000 nor more than \$5,000.

(g) Any driver of a vehicle who willfully violates the provisions of subsection (a) of this section, and the violation causes death, is guilty of a felony and, upon conviction, shall be confined

45 in a state correctional facility not less than one year nor more than 10 years and fined not less than  
46 \$5,000 nor more than \$10,000.

47 (h) Every bus used for the transportation of school children shall bear upon the front and  
48 rear of the bus a plainly visible sign containing the words "school bus" in letters not less than eight  
49 inches in height. When a contract school bus is being operated upon a highway for purposes other  
50 than the actual transportation of children either to or from school, all markings on the contract  
51 school bus indicating "school bus" shall be covered or concealed. Any school bus sold or  
52 transferred to another owner by a county board of education, agency or individual shall have all  
53 flashing warning lights disconnected and all lettering removed or permanently obscured, except  
54 when sold or transferred for the transportation of school children: *Provided*, That every county  
55 board of education shall install forward-facing and rear-facing cameras on all school buses  
56 purchased on or after July 1, 2019, for the purpose of enforcing this section and for any other  
57 lawful purpose.

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

61 (j) The State Board of Education shall promulgate a rule in accordance with the provisions  
62 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 a school bus.

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