

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 558**

By Senator Taylor

[Introduced January 21, 2026; 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; and to  
2 amend the code by adding four new sections, designated §17C-12-7a, §17C-12-7b, §17C-  
3 12-7c, and §17C-12-7d, relating to school bus safety; establishing the Protect Our Children  
4 at the Bus Stop Act; clarifying that penalties apply only to passing a stopped school bus  
5 displaying activated stop arm signals and red warning lights while receiving or discharging  
6 school children; creating an aggravated offense classified as reckless driving; imposing  
7 mandatory minimum jail sentences; requiring completion of a driver education safety  
8 course; providing for insurance notification and surcharge eligibility; authorizing civil stop-  
9 arm camera enforcement with registered owner liability; providing for administrative  
10 adjudication; establishing felony thresholds for repeat aggravated offenses; authorizing  
11 automatic license plate suspension for repeat civil violations; requiring reporting to the  
12 Legislature; and dedicating revenues to school bus safety initiatives.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 12. SPECIAL STOPS REQUIRED.**

**§17C-12-7. Overtaking and passing school buses; 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~~

8       upon meeting or passing a school bus which is on a different roadway or adjacent to the highway  
9       and where pedestrians are not permitted to cross the roadway.

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

17           (c) Where the actual identity of the operator of a motor vehicle operated in violation of  
18       subsection (a) of this section is unknown but the license plate number of the motor vehicle is  
19       known, it may be inferred that the operator was an owner or lessee of the motor vehicle for  
20       purposes of the probable cause determination. Where there is more than one registered owner or  
21       lessee, the inference created by this subsection shall apply to the first listed owner or lessee as  
22       found on the motor vehicle registration: Provided, That a person charged with a violation of  
23       subsection (a) of this section, under the provisions of this subsection, where the sole evidence  
24       against the owner or lessee is the presence of the vehicle at the scene at the time of the offense  
25       shall only be subject to the applicable fine set forth in subsection (b) of this section upon  
26       conviction: Provided, however, That the offenses set forth in subsections (f) and (g) of this section  
27       are separate and distinct from that set forth in subsection (a) of this section.

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

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

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

34                   (2) Of a second offense under subsection (b) of this section, for a period of 180 days; or  
35                   (3) Of a third or subsequent offense under subsection (b) of this section, for a period of one  
36 year.

37                   (f) Any driver of a vehicle who willfully violates the provisions of subsection (a) of this  
38 section and the violation causes serious bodily injury to any person other than the driver, is guilty of  
39 a felony and, upon conviction, shall be confined in a state correctional facility not less than one  
40 year nor more than three years and fined not less than \$2,000 nor more than \$5,000.

41                   (g) Any driver of a vehicle who willfully violates the provisions of subsection (a) of this  
42 section, and the violation causes death, is guilty of a felony and, upon conviction, shall be confined  
43 in a state correctional facility not less than one year nor more than 10 years and fined not less than  
44 \$5,000 nor more than \$10,000.

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

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

59       (j) The State Board of Education shall promulgate a rule in accordance with the provisions  
60       of §29A-3B-1 et seq. of this code governing the idling of school buses.

61       (a) The driver of a vehicle approaching from any direction a school bus that is stopped on a  
62       public highway and displaying activated stop arm signals and red warning lights for the purpose of  
63       receiving or discharging school children shall bring the vehicle to a complete stop before reaching  
64       the bus and may not proceed until the bus resumes motion or the stop arm signals and red warning  
65       lights are deactivated.

66       (b) The driver of a vehicle upon a highway with separate roadways need not stop upon  
67       meeting or passing a school bus which is stopped on a different roadway.

68       (c) Any person convicted of violating this section is guilty of a misdemeanor and shall be  
69       fined not less than \$500 nor more than \$1,000, confined in jail for not more than six months, or  
70       both.

71       (d) Upon conviction, the Division of Motor Vehicles shall suspend the driver's license of the  
72       offender for a period of not less than 60 days for a first offense, 180 days for a second offense, and  
73       one year for a third or subsequent offense.

74       (e) A violation of this section involving a stopped school bus displaying activated stop arm  
75       signals and red warning lights while receiving or discharging school children is subject to the  
76       additional penalties and enforcement mechanisms provided in §§17C-12-7a through 17C-12-7d of  
77       this code.

**\$17C-12-7a. Aggravated illegal passing of a stopped school bus; reckless driving;**

<b><u>mandatory</u></b>	<b><u>minimum</u></b>	<b><u>confinement</u></b>
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1       (a) A person commits the offense of aggravated illegal passing of a stopped school bus  
2       when the person overtakes, passes, or attempts to pass a school bus that is stopped and  
3       displaying activated stop arm signals and red warning lights for the purpose of receiving or  
4       discharging school children, in violation of §17C-12-7 of this code, and one or more of the following  
5       aggravating circumstances are present:

6        (1) The violation occurs at a speed exceeding the posted speed limit by 10 miles per hour  
7        or more;

8        (2) The vehicle passes the bus on the side where school children are entering or exiting;  
9        (3) A school child is present in the roadway, shoulder, or immediate vicinity of the bus at the  
10      time of the violation;

11      (4) The person has been previously convicted of a violation of §17C-12-7 within the  
12      preceding five years.

13      (b) A violation of this section constitutes reckless driving for purposes of §17C-2-8 and  
14      §17C-6-1 of this code.

15      (c) Any person convicted under this section is guilty of a misdemeanor and shall be fined  
16      not less than \$1,000 nor more than \$2,500 and confined in a regional jail facility for not less than 48  
17      consecutive hours nor more than six months. The mandatory minimum term of confinement may  
18      not be suspended, deferred, or subject to probation.

19      (d) A second or subsequent conviction under this section shall require confinement in a  
20      regional jail facility for not less than seven consecutive days, which confinement shall not be  
21      suspended, and suspension of the person's driver's license for not less than one year.

22      (e) A third conviction under this section within a ten-year period constitutes a felony  
23      punishable by confinement in a state correctional facility for not less than one year nor more than  
24      five years, a fine of not less than \$5,000, or both.

25      (f) If serious bodily injury or death results from a violation of this section, the offender shall  
26      be prosecuted under the applicable felony provisions of this code.

**§17C-12-7b.      Mandatory      driver      education;      insurance      notification.**

1        (a) Any person convicted of a violation of §17C-12-7 or §17C-12-7a shall be required, as  
2        a condition of reinstatement of driving privileges, to successfully complete a Division of Motor  
3        Vehicles–approved school bus safety and driver education course.

4       (b) Upon conviction, the court shall notify the offender's motor vehicle insurer of the  
5       violation. Nothing in this section prohibits an insurer from imposing a premium surcharge or  
6       other underwriting action consistent with state law.

**§17C-12-7c. Stop-arm camera enforcement; civil violations; owner liability; plate  
suspension.**

1       (a) In addition to criminal penalties, a violation of §17C-12-7 or §17C-12-7a may be  
2       enforced through a civil notice of violation when a stop-arm camera records a motor vehicle  
3       passing a school bus that is stopped and displaying activated stop arm signals and red warning  
4       lights for the purpose of receiving or discharging school children.

5       (b) The registered owner or lessee of the motor vehicle is prima facie responsible for a civil  
6       violation unless the owner establishes that the vehicle was stolen, operated by an authorized  
7       emergency vehicle responding to an emergency, or was not operated by the owner and the owner  
8       identifies the operator.

9       (c) The civil penalty shall be \$500 for a first offense, \$1,000 for a second offense within five  
10      years, and \$1,500 for a third or subsequent offense within five years.

11       (d) Upon a third civil violation within a five-year period, the Division of Motor Vehicles shall  
12      suspend the registration and license plate of the vehicle until all penalties are paid and proof of  
13      compliance is provided.

14       (e) Civil violations shall be adjudicated through an administrative hearing process  
15      established by the Division of Motor Vehicles and may be appealed as provided by law.

**§17C-12-7d. Reporting; transparency; legislative review.**

1       (a) The Division of Motor Vehicles, in coordination with the Department of Education, shall  
2       submit an annual report to the Joint Committee on Government and Finance detailing  
3       enforcement activity under §17C-12-7 through 17C-12-7c of this code.

4       (b) The report shall include the number of criminal and civil violations issued, repeat  
5       offense rates, license suspensions imposed, vehicle registration suspensions, and revenues

6 collected.

7 (c) The report shall be made publicly available on a state-maintained website.

NOTE: The purpose of this bill is to create the Protect Our Children at the Bus Stop Act.

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