

The Committee on the Judiciary moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following:

That §17C-12-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**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 section eight of this article, and the driver ~~shall~~ 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

1 driver of a vehicle upon a controlled access highway need not stop  
2 upon meeting or passing a school bus which is on a different  
3 roadway or adjacent to the highway and where pedestrians are not  
4 permitted to cross the roadway.

5 (b) Any driver acting in violation of this subsection (a) of  
6 this section is guilty of a misdemeanor and, upon conviction for a  
7 first offense, shall be fined not less than ~~fifty dollars~~ \$150 or  
8 more than ~~two hundred dollars~~ \$500, or imprisoned confined in the  
9 county jail not more than six months, or both fined and imprisoned  
10 confined. Upon conviction of a second violation of subsection (a),  
11 the driver shall be fined \$500, or confined in jail not more than  
12 six months, or both fined and confined. Upon conviction of a third  
13 or subsequent violation of subsection (a), the driver shall be  
14 fined \$500, and confined not less than twenty-four hours in jail  
15 but not more than six months.

16 (c) In addition to the penalties prescribed in subsections (b)  
17 of this section, the Commissioner of Motor Vehicles shall, upon  
18 conviction, suspend the driver's license of the person so  
19 convicted:

20 (1) of a first offense under subsection (b) of this section,  
21 for a period of thirty days;

22 (2) of a second offense under subsection (b) of this section,  
23 for a period of ninety days; or

24 (3) of a third or subsequent offense under subsection (b) of

1 this section, for a period of one hundred and eighty days.

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

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

14 ~~If the identity of the driver cannot be ascertained, then any~~  
15 ~~owner or lessee of the vehicle in violation of this subsection is~~  
16 ~~guilty of a misdemeanor and, upon conviction shall be fined of not~~  
17 ~~less than twenty five dollars nor more than one hundred dollars.~~  
18 ~~The conviction shall not subject the owner or lessee to further~~  
19 ~~administrative or other penalties for the offense, notwithstanding~~  
20 ~~other provisions of this code to the contrary.~~

21 ~~(b)~~ (f) Every bus used for the transportation of school  
22 children shall bear upon the front and rear of the bus a plainly  
23 visible sign containing the words "school bus" in letters not less  
24 than eight inches in height. When a contract school bus is being

1 operated upon a highway for purposes other than the actual  
2 transportation of children either to or from school, all markings  
3 on the contract school bus indicating "school bus" shall be covered  
4 or concealed. Any school bus sold or transferred to another owner  
5 by a county board of education, agency or individual shall have all  
6 flashing warning lights disconnected and all lettering removed or  
7 permanently obscured, except when sold or transferred for the  
8 transportation of school children.

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

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

16 ~~(c)~~ (i) The State Board of Education shall write a policy  
17 promulgate a rule in accordance with the provisions of article  
18 three-b, chapter twenty-nine-a of this code governing the idling of  
19 school buses.

Adopted

Rejected