

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

4

HOUSE BILL 428
Committee Substitute Favorable 5/13/13
Senate Transportation Committee Substitute Adopted 6/12/13
Fourth Edition Engrossed 7/2/13

Short Title: North Carolina School Bus Safety Act.

(Public)

Sponsors:

Referred to:

March 27, 2013

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE PUNISHMENT FOR PASSING A STOPPED SCHOOL BUS IN VIOLATION OF G.S. 20-217 SHALL INCLUDE A FINE IN ALL CIRCUMSTANCES, A REVOCATION OF THE PERSON'S DRIVERS LICENSE IN CERTAIN CIRCUMSTANCES, AND DISQUALIFICATION OF THE PERSON'S COMMERCIAL DRIVING PRIVILEGES IN CERTAIN CIRCUMSTANCES; TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL WITHHOLD THE REGISTRATION RENEWAL OF A PERSON WHO FAILS TO PAY ANY FINE IMPOSED PURSUANT TO G.S. 20-217; AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO USE THE PROCEEDS OF ANY FINES COLLECTED FOR VIOLATIONS OF G.S. 20-217 TO PURCHASE AUTOMATED CAMERA AND VIDEO RECORDING SYSTEMS TO INSTALL ON SCHOOL BUSES.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known as "The Hasani N. Wesley Students' School Bus Safety Act."

SECTION 2. G.S. 20-217 reads as rewritten:

"§ 20-217. Motor vehicles to stop for properly marked and designated school buses in certain instances; evidence of identity of driver.

(a) When a school bus is displaying its mechanical stop signal or flashing red lights and the bus is stopped for the purpose of receiving or discharging passengers, the driver of any other vehicle that approaches the school bus from any direction on the same street, highway, or public vehicular area shall bring that other vehicle to a full stop and shall remain stopped. The driver of the other vehicle shall not proceed to move, pass, or attempt to pass the school bus until after the mechanical stop signal has been withdrawn, the flashing red stoplights have been turned off, and the bus has started to move.

(b) For the purpose of this section, a school bus includes a public school bus transporting children or school personnel, a public school bus transporting senior citizens under G.S. 115C-243, or a privately owned bus transporting children. This section applies only in the event the school bus bears upon the front and rear a plainly visible sign containing the words "school bus."

(c) Notwithstanding subsection (a) of this section, the driver of a vehicle traveling in the opposite direction from the school bus, upon any road, highway or city street that has been divided into two roadways, so constructed as to separate vehicular traffic between the two roadways by an intervening space (including a center lane for left turns if the roadway consists



* H 4 2 8 - V - 4 *

1 of at least four more lanes) or by a physical barrier, need not stop upon meeting and passing
2 any school bus that has stopped in the roadway across the dividing space or physical barrier.

3 (d) It shall be unlawful for any school bus driver to stop and receive or discharge
4 passengers or for any principal or superintendent of any school, routing a school bus, to
5 authorize the driver of any school bus to stop and receive or discharge passengers upon any
6 roadway described by subsection (c) of this section where passengers would be required to
7 cross the roadway to reach their destination or to board the bus; provided, that passengers may
8 be discharged or received at points where pedestrians and vehicular traffic are controlled by
9 adequate stop-and-go traffic signals.

10 (e) Except as provided in subsection (g) of this section, any person violating this section
11 shall be guilty of a Class 1 ~~misdemeanor~~-misdemeanor and shall pay a minimum fine of five
12 hundred dollars (\$500.00). A person who violates subsection (a) of this section shall not receive
13 a prayer for judgment continued under any circumstances.

14 (f) Expired.

15 (g) Any person who willfully violates subsection (a) of this section and strikes any
16 person shall be guilty of a Class I ~~felony~~-felony and shall pay a minimum fine of one thousand
17 two hundred fifty dollars (\$1,250). Any person who willfully violates subsection (a) of this
18 section and strikes any person, resulting in the death of that person, shall be guilty of a Class H
19 ~~felony~~-felony and shall pay a minimum fine of two thousand five hundred dollars (\$2,500).

20 (g1) The Division shall revoke, for a period of one year, the drivers license of a person
21 convicted of a second misdemeanor violation under this section within a three-year period. The
22 Division shall revoke, for a period of two years, the drivers license of a person convicted of a
23 Class I felony violation under this section. The Division shall revoke, for a period of three
24 years, the drivers license of a person convicted of a Class H felony violation under this section.
25 The Division shall permanently revoke the drivers license of (i) a person convicted of a second
26 felony violation under this section within any period of time and (ii) a person convicted of a
27 third misdemeanor violation under this section within any period of time.

28 In the case of a first felony conviction under this section, the licensee may apply to the
29 sentencing court for a limited driving privilege after a period of six months of revocation,
30 provided the person's drivers license has not also been revoked or suspended under any other
31 provision of law. A limited driving privilege issued under this subsection shall be valid for the
32 period of revocation remaining in the same manner and under the terms and conditions
33 prescribed in G.S. 20-16.1(b). If the person's drivers license is revoked or suspended under any
34 other statute, the limited driving privilege issued pursuant to this subsection is invalid.

35 In the case of a permanent revocation of a person's drivers license for committing a third
36 misdemeanor violation under this section within any period of time, the person may apply for a
37 drivers license after two years. The Division may, with or without a hearing, issue a new
38 drivers license upon satisfactory proof that the former licensee has not been convicted of a
39 moving violation under this Chapter or the laws of another state. The Division may impose any
40 restrictions or conditions on the new drivers license that the Division considers appropriate.
41 Any conditions or restrictions imposed by the Division shall not exceed two years.

42 In the case of a permanent revocation of a person's drivers license for committing a second
43 Class I felony violation under this section within any period of time, the person may apply for a
44 drivers license after three years. The Division may, with or without a hearing, issue a new
45 drivers license upon satisfactory proof that the former licensee has not been convicted of a
46 moving violation under this Chapter or the laws of another state. The Division may impose any
47 restrictions or conditions on the new drivers license that the Division considers appropriate.
48 Any conditions or restrictions imposed by the Division shall not exceed three years.

49 Any person whose drivers license is revoked under this section is disqualified pursuant to
50 G.S. 20-17.4 from driving a commercial motor vehicle for the period of time in which the
51 person's drivers license remains revoked under this section.

1 (g2) Pursuant to G.S. 20-54, failure of a person to pay any fine or costs imposed pursuant
2 to this section shall result in the Division withholding the registration renewal of a motor
3 vehicle registered in that person's name. The clerk of superior court in the county in which the
4 case was disposed shall notify the Division of any person who fails to pay a fine or costs
5 imposed pursuant to this section within 20 days of the date specified in the court's judgment, as
6 required by G.S. 20-24.2(a)(2). The Division shall continue to withhold the registration renewal
7 of a motor vehicle until the clerk of superior court notifies the Division that the person has
8 satisfied the conditions of G.S. 20-24.1(b) applicable to the person's case. The provisions of this
9 subsection shall be in addition to any other actions the Division may take to enforce the
10 payment of any fine imposed pursuant to this section.

11 (h) Automated camera and video recording systems may be used to detect and
12 prosecute violations of this section. Any photograph or video recorded by a camera or video
13 recording system shall, if consistent with the North Carolina Rules of Evidence, be admissible
14 as evidence in any proceeding alleging a violation of subsection (a) of this section."

15 **SECTION 3.** G.S. 20-17.4 is amended by adding a new subsection to read:

16 **"§ 20-17.4. Disqualification to drive a commercial motor vehicle.**

17 ...

18 (o) Disqualification for Passing Stopped School Bus. – Any person whose drivers
19 license is revoked under G.S. 20-217 is disqualified from driving a commercial motor vehicle
20 for the period of time in which the person's drivers license remains revoked under
21 G.S. 20-217."

22 **SECTION 4.** G.S. 20-54 is amended by adding a new subdivision to read:

23 **"§ 20-54. Authority for refusing registration or certificate of title.**

24 The Division shall refuse registration or issuance of a certificate of title or any transfer of
25 registration upon any of the following grounds:

26 ...

27 (11) The Division has been notified pursuant to G.S. 20-217(g2) that the owner of
28 the vehicle has failed to pay any fine imposed pursuant to G.S. 20-217."

29 **SECTION 5.** The General Assembly encourages local boards of education to use
30 the proceeds of any fines collected for violations of G.S. 20-217 to purchase automated camera
31 and video recording systems to install on school buses to help detect and prosecute violators of
32 that section.

33 **SECTION 6.** This act becomes effective December 1, 2013, and applies to
34 offenses committed on or after that date.