

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 428
PROPOSED COMMITTEE SUBSTITUTE H428-PCS10382-ML-10

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 "North Carolina 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shall not proceed to move, pass, or attempt to pass the school bus until after the mechanical stop signal has been withdrawn, the flashing red stoplights have been turned off, and the bus has started to move.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 of at least four more lanes) or by a physical barrier, need not stop upon meeting and passing any school bus that has stopped in the roadway across the dividing space or physical barrier.



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

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

12 (f) Expired.

13 (g) Any person who willfully violates subsection (a) of this section and strikes any
14 person shall be guilty of a Class I ~~felony~~-~~felony~~ and shall pay a minimum fine of two thousand
15 five hundred dollars (\$2,500). Any person who willfully violates subsection (a) of this section
16 and strikes any person, resulting in the death of that person, shall be guilty of a Class H
17 ~~felony~~-~~felony~~ and shall pay a minimum fine of five thousand dollars (\$5,000).

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

26 In the case of a first felony conviction under this section, the licensee may apply to the
27 sentencing court for a limited driving privilege after a period of 12 months of revocation,
28 provided the person's drivers license has not also been revoked or suspended under any other
29 provision of law. A limited driving privilege issued under this subsection shall be valid for the
30 period of revocation remaining in the same manner and under the terms and conditions
31 prescribed in G.S. 20-16.1(b). If the person's drivers license is revoked or suspended under any
32 other statute, the limited driving privilege issued pursuant to this subsection is invalid.

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

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

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

50 (g2) Pursuant to G.S. 20-54, failure of a person to pay any fine imposed pursuant to this
51 section shall result in the Division withholding the registration renewal of a motor vehicle

1 registered in that person's name. The clerk of superior court in the county in which the fine was
2 imposed shall notify the Division of any person who fails to pay a fine imposed pursuant to this
3 section. The Division shall continue to withhold the registration renewal of a motor vehicle
4 until the clerk of superior court notifies the Division that the person (i) demonstrated to the
5 satisfaction of the court that he or she is not the person charged with the offense in which the
6 fine was imposed, (ii) paid the fine ordered by the court, or (iii) demonstrated to the satisfaction
7 of the court that his or her failure to pay the fine was not willful and that he or she is making a
8 good-faith effort to pay the fine. The provisions of this subsection shall be in addition to any
9 other actions the Division may take to enforce the payment of any fine imposed pursuant to this
10 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 that the owner of the vehicle has failed to pay
28 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.