

2001 SESSION

INTRODUCED

001735836

HOUSE BILL NO. 1393

Offered January 24, 2000

A BILL to amend and reenact § 46.2-844 of the Code of Virginia, relating to passing stopped school buses; civil penalty.

Patrons—McDonnell, Almand, Kilgore, Watts and Weatherholtz

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-844 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-844. Passing stopped school buses; penalty.

The driver of a motor vehicle approaching from any direction a clearly marked school bus which is stopped on any highway or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, who, in violation of § 46.2-859, fails to stop and remain stopped until all such persons are clear of the highway or school driveway, shall be subject to a civil penalty of \$250 and any such prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions.

A prosecution or proceeding under § 46.2-859 shall be a bar to a prosecution or proceeding under this section for the same act and a prosecution or proceeding under this section shall be a bar to a prosecution or proceeding under § 46.2-859 for the same act.

In any prosecution for which a summons charging a violation of this section was issued within ten days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) of this title shall give rise to a rebuttable presumption that such registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, such violation occurred. *Unless the vehicle was at the time reported stolen, the presumption may be rebutted only by identifying the probable driver of the vehicle at the time the offense occurred.*

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