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**SENATE BILL NO. 905**

Offered January 10, 2001

Prefiled January 5, 2001

*A BILL to amend and reenact §§ 46.2-844 and 46.2-859 of the Code of Virginia, relating to passing stopped school buses; penalty.*

Patrons—Mims, Byrne, Howell, Puller and Ticer; Delegates: Albo, Almand, Amundson, Black, Brink, Callahan, Devolites, Dillard, Howell, Hull, May, Plum, Rust and Van Landingham

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:****1. That §§ 46.2-844 and 46.2-859 of the Code of Virginia are 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.

*The testimony of the school bus driver, the supervisor of school buses or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 shall be prima facie evidence that the vehicle is a school bus.*

§ 46.2-859. Passing a stopped school bus.

A person shall be guilty of reckless driving who fails to stop, when approaching from any direction, any 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, and to remain stopped until all such persons are clear of the highway or school driveway and the bus is put in motion. The driver of a vehicle, however, need not stop when approaching a school bus if such school bus is stopped on the other roadway of a divided highway, on an access road, or on a driveway when such other roadway, access road, or driveway is separated from the roadway on which he is driving by a physical barrier or an unpaved area. The driver of a vehicle also need not stop when approaching a school bus which is loading or discharging passengers from or onto property immediately adjacent to a school if such driver is directed by a law-enforcement officer or other duly authorized uniformed school crossing guard to pass such school bus. This section shall apply to school buses which are equipped with warning devices prescribed in § 46.2-1090 and are painted yellow with the words "School Bus" in black letters at least eight inches high on the front and rear thereof. Only school buses which are painted yellow and equipped with the required lettering and warning devices shall be identified as school buses.

*The testimony of the school bus driver, the supervisor of school buses or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 shall be prima facie evidence that the vehicle is a school bus.*

INTRODUCED

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