

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 541

An Act to amend and reenact §§ 46.2-844 and 46.2-859 of the Code of Virginia, relating to passing stopped school buses.

[H 896]

Approved April 5, 2002

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; prima facie evidence.

The driver of a motor vehicle approaching from any direction a clearly marked school bus which is stopped on any highway, *private road* 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, *private road* or school driveway, ~~shall be~~ *is* 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~~ *is* a bar to a prosecution or proceeding under this section for the same act and a prosecution or proceeding under this section ~~shall be~~ *is* 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~~ *the* registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, ~~such~~ *the* 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~~ *is* prima facie evidence that the vehicle is a school bus.

§ 46.2-859. Passing a stopped school bus; prima facie evidence.

A person ~~shall be~~ *is* guilty of reckless driving who fails to stop, when approaching from any direction, any school bus which is stopped on any highway, *private road* 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~~ *the* persons are clear of the highway, *private road* 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~~ *the* school bus is stopped on the other roadway of a divided highway, on an access road, or on a driveway when ~~such~~ *the* 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~~ *the* driver is directed by a law-enforcement officer or other duly authorized uniformed school crossing guard to pass ~~such~~ *the* 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~~ *is* prima facie evidence that the vehicle is a school bus.