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HOUSE BILL NO. 1576

Offered January 20, 2006

A *BILL to amend the Code of Virginia by adding in Chapter 8 of Title 46.2 an article numbered 14.1, consisting of sections numbered 46.2-919.1 through 46.2-919.3, relating to warning devices on certain transit buses; stopping for such buses; penalties.*

Patron—Lewis

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 8 of Title 46.2 an article numbered 14.1, consisting of sections numbered 46.2-919.1 through 46.2-919.3 as follows:

*Article 14.1.**Buses Used to Provide Transit Service Under the National Rural Transit Assistance Program.*

§ 46.2-919.1. Warning devices on certain buses; use thereof; penalties.

Every bus used to provide transit service under the National Rural Transit Assistance Program may be equipped with a warning device of such type as may be prescribed by the Superintendent of State Police. Such a warning device shall be used to indicate when such bus is either (i) stopped or about to stop to take on or discharge passengers or (ii) stopped or about to stop for another such bus, when approaching from any direction, that is stopped or about to stop to take on or discharge passengers. Such warning device shall be used and in operation for at least 100 feet before any proposed stop of such bus if the lawful speed limit is less than 35 miles per hour, and for at least 200 feet before any proposed stop of such bus if the lawful speed limit is 35 miles per hour or more.

Failure of a warning device to function on any such bus shall not relieve any person operating a motor vehicle from his duty to stop as provided in §§ 46.2-919.2 and 46.2-919.3.

Any person operating such bus who fails or refuses to use such warning devices in the operation of such vehicle shall be guilty of a Class 3 misdemeanor.

§ 46.2-919.2. Passing certain stopped transit buses; penalty; prima facie evidence.

The driver of a motor vehicle approaching from any direction a transit bus equipped with warning devices authorized by § 46.2-919 that is stopped on any highway for the purpose of taking on or discharging passengers, who, in violation of § 46.2-919.3, fails to stop and remain stopped until all such persons are clear of the highway shall be subject to a civil penalty of \$250 and any prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions.

A prosecution or proceeding under § 46.2-919.3 is a bar to a prosecution or proceeding under this section for the same act and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-919.3 for the same act.

In any prosecution for which a summons charging a violation of this section was issued within 10 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 the registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, the violation occurred.

§ 46.2-919.3. Passing certain stopped transit buses; prima facie evidence.

A person is guilty of reckless driving who fails to stop, when approaching from any direction, any transit bus equipped with warning devices authorized in § 46.2-919.1 that is stopped on any highway for the purpose of taking on or discharging passengers, and to remain stopped until all the persons are clear of the highway and the bus is put in motion. The driver of a vehicle, however, need not stop when approaching such a transit bus if the bus is stopped on the other roadway of a divided highway, on an access road, or on a driveway when 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.