

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: HB1995 S1

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☒ Substitute ☐ Enrolled

2. Patron: Krizek

3. Committee: Transportation

4. Title: Passing stopped school buses; rebuttable presumption.

5. Summary: Under current law, the driver of a motor vehicle approaching from any direction a clearly marked school bus that 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 (establishes prima facie evidence), fails to stop and remain stopped until all such persons are clear of the highway, private road, or school driveway and the bus is put in motion is subject to a civil penalty of \$250. The substitute bill provides that such person is not liable for court costs.

The substitute bill also establishes that imposition of a civil penalty pursuant to this section is not deemed a conviction as an operator, cannot be made part of the operating record of the person upon whom such liability is imposed, and cannot be used for insurance purposes in the provision of motor vehicle insurance coverage. Any finding in a general district court that an operator has violated this subsection is appealable to the circuit court in a civil proceeding.

Under current law, in any prosecution for which a summons charging a violation of this section was issued within ten business 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.) 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. This bill extends the time limit to 30 days.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications: This bill is not expected to have a material impact on courts. The impact this bill may have on state agencies is not known at this time. If further information becomes available, this impact statement will be revised.

9. Specific Agency or Political Subdivisions Affected: Courts, law enforcement agencies

10. Technical Amendment Necessary: No

11. Other Comments: None