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HOUSE BILL NO. 1284

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on February 10, 1998)

(Patrons Prior to Substitute—Delegates Jones, D.C. and Hargrove [HB 1279])

A BILL to amend and reenact § 46.2-859 of the Code of Virginia, relating to passing a stopped school bus.

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-859 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-859. Passing a stopped school bus.

A. A person shall be guilty of reckless driving who fails to stop, when approaching from any direction, any vehicle that he knows or reasonably should know to be a school bus which that 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 that 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.

B. In any prosecution under this section, the attorney for the Commonwealth may file with the court an affidavit from a school board or the governing body of a private school attesting that the school bus, for which the defendant is alleged to have failed to stop in violation of this section, was, at the time of the alleged offense, painted and equipped as provided in the definition of "school bus" in § 46.2-100. Such affidavit shall create a rebuttable presumption that the school bus referred to therein was so painted and equipped. The defendant may produce evidence to refute the evidence contained in the affidavit.