



This Bill Analysis reflects the contents of the bill as it was presented in committee.

# HOUSE BILL 355: Evidence Passed Vehicle is a School Bus

2015-2016 General Assembly

**Committee:** Senate Judiciary II  
**Introduced by:** Reps. Reives, Stam  
**Analysis of:** Third Edition

**Date:** May 21, 2015  
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**SUMMARY:** House Bill 355 amends the law making it a crime to pass a stopped school bus to provide two ways to prove that the vehicle passed by the defendant was, in fact, a "school bus."

**CURRENT LAW:** G.S. 20-217 requires a driver of a motor vehicle to stop for a school bus<sup>1</sup> displaying its stop signal or flashing red lights.

**BILL ANALYSIS:** House Bill 355 amends G.S. 20-217 to provide that the following shall be *prima facie* evidence<sup>2</sup> that the vehicle was a "school bus" at the time of an alleged violation of this statute:

- A certified copy of a record from the Division of Motor Vehicles showing the vehicle was registered as a school bus at the time of the violation. A certified copy of this record would be admissible as evidence without further authentication.
- Testimony from the school bus driver, a passenger on the school bus, or the law enforcement officer investigating the violation.

**EFFECTIVE DATE:** This act becomes effective October 1, 2015, and applies to offenses committed on or after that date.

\*Giles Perry, counsel to House Transportation, substantially contributed to this summary.

<sup>1</sup> "School bus" is defined as "[a public, private or parochial] vehicle whose primary purpose is to transport school students over an established route to and from school for the regularly scheduled school day, that is equipped with alternately flashing red lights on the front and rear and a mechanical stop signal, that is painted primarily yellow below the roofline, and that bears the plainly visible words "School Bus" on the front and rear." G.S. 20-4.01(27)d4.

<sup>2</sup> "[P]rima facie or presumptive evidence does not of itself establish the fact or facts upon which the verdict or judgment must rest, nor does it shift the burden of the issue, which always remains with him who holds the affirmative. It is no more than sufficient evidence to establish the vital facts without other proof, if it satisfies the jury." State v. Wilkerson, 164 N.C. 431, 79 S.E. 888, 891 (1913).

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