



SENATE BILL 184: Evidence Passed Vehicle Is a School Bus.

2017-2018 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Education/Higher Education. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 24, 2017
Introduced by:	Sen. Krawiec	Prepared by:	Jennifer H. Bedford
Analysis of:	First Edition		Legislative Analyst

OVERVIEW: *Senate Bill 184 would set out two methods, by statute, to prove that a vehicle is a "school bus" in a criminal case alleging that a driver has passed a stopped school bus.*

CURRENT LAW:

G.S. 20-217 requires a driver of a motor vehicle to stop for a school bus displaying its stop signal or flashing red lights.

G.S. 20-4.01(27)(d4) defines a school bus as a 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**. The term includes a public, private, or parochial vehicle that meets this description.

Rule 803(6) allows that a record may be entered into evidence with testimony or an affidavit by the custodian of the record, or other qualified witness, that the records were routinely kept in the regular course of business. Notice is required in order to admit evidence authenticated by an affidavit.

BILL ANALYSIS: Section 1 of Senate Bill 184 would:

- Eliminate the need for a prosecutor to prove that a school bus bore a plainly visible sign containing the words "school bus" on the front and rear of the bus when unlawfully passed.
- Allow a certified copy of a record from the Division of Motor Vehicles (DMV) showing that the vehicle was registered as a school bus at the time of the violation evidence sufficient to prove that a vehicle was a school bus.
- Allow testimony from the school bus driver, a passenger on the school bus, or the law enforcement officer investigating the violation to be evidence sufficient to prove that a vehicle was a school bus.

Section 2 of Senate Bill 184 would require school bus safety instruction, developed by the State Board of Education, to be provided annually to all elementary school students.

Section 3 of Senate Bill 184 would direct the Department of Public Instruction and the Department of Transportation to study ways to increase the safety of children boarding and exiting school buses, and report any findings and recommendations to the Joint Legislative Oversight Committee by January 15, 2018.

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EFFECTIVE DATE: Section 1 of this act becomes effective October 1, 2017, and applies to offenses committed on or after that date. The remainder of this act becomes effective when it becomes law. The instruction required shall be provided beginning with the 2017-2018 school year.