

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-204
HOUSE BILL 1400**

**AN ACT TO INCREASE THE PENALTY FOR PASSING A STOPPED SCHOOL
BUS AND TO MAKE SCHOOL BUS STOPS SAFER.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-217 reads as rewritten:

"(a) ~~The driver of any vehicle upon approaching from any direction on the same street, highway, or public vehicular area any school bus (including privately owned buses transporting children and school buses transporting senior citizens under G.S. 115C-243), while the bus is displaying its mechanical stop signal or flashing red stoplights, and is stopped for the purpose of receiving or discharging passengers, shall bring the vehicle to a full stop before passing or attempting to pass the bus, and shall remain stopped until the mechanical stop signal has been withdrawn, the flashing red stoplights have been turned off, and the bus has moved on.~~ When a school bus is displaying its mechanical stop signal or flashing red lights and the bus is stopped for the purpose of receiving or discharging passengers, the driver of any other vehicle that approaches the school bus from any direction on the same street, highway, or public vehicular area shall bring that other vehicle to a full stop and shall remain stopped. The driver of the other vehicle shall not proceed to move, pass, or attempt to pass the school bus until after the mechanical stop signal has been withdrawn, the flashing red stoplights have been turned off, and the bus has started to move.

(b) ~~The provisions of this section are applicable~~ For the purpose of this section, a school bus includes a public school bus transporting children or school personnel, a public school bus transporting senior citizens under G.S. 115C-243, or a privately owned bus transporting children. This section applies only in the event the school bus bears upon the front and rear a plainly visible sign containing the words "school bus" in letters not less than eight inches in height.'school bus.'

(c) ~~Notwithstanding the provisions of subsection (a) of this section,~~ the driver of a vehicle traveling in the opposite direction from the school bus, upon any road, highway or city street ~~which that~~ has been divided into two roadways, so constructed as to separate vehicular traffic between the two roadways by an intervening space (including a center lane for left turns if the roadway consists of at least four more lanes) or by a physical barrier, need not stop upon meeting and passing any school bus which that has stopped in the roadway across such the dividing space or physical barrier.

(d) It shall be unlawful for any school bus driver to stop and receive or discharge passengers or for any principal or superintendent of any school, routing a school bus, to authorize the driver of any school bus to stop and receive or discharge passengers upon

any roadway described by subsection (c) of this section where passengers would be required to cross the roadway to reach their destination or to board the bus; provided, that passengers may be discharged or received at points where pedestrians and vehicular traffic are controlled by adequate stop-and-go traffic signals.

(e) ~~Any~~ Except as provided in subsection (g) of this section, any person violating the provisions of this section shall be guilty of a Class 21 misdemeanor.

(f) Expired.

(g) Any person who violates subsection (a) of this section and willfully strikes any person causing serious bodily injury to that person shall be guilty of a Class I felony."

SECTION 2. This act becomes effective September 1, 2005, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 11th day of July, 2005.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:18 a.m. this 21st day of July, 2005