

1
2
3
4
5
6
7
8

9
10
11
12
13
14
15
16
17
18
19

H.202

Introduced by Representative LaBounty of Lyndon

Referred to Committee on

Date:

Subject: Motor vehicles; school buses; stop-arm violations

Statement of purpose of bill as introduced: This bill proposes to allow for the issuance of a civil traffic violation for illegally passing a school bus based on a sworn writing from a school bus operator.

An act relating to traffic violations for illegally passing a school bus

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 23 V.S.A. § 4 is amended to read:

§ 4. DEFINITIONS

Except as may otherwise be provided by law, and unless the context otherwise requires in statutes relating to motor vehicles and enforcement of the law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the following definitions shall apply:

* * *

(44) “Moving violation” means any violation of any provision of this title, while the motor vehicle is being operated on a public highway, over

1 which operation the operator has discretion as to commission of the act, except
2 for offenses pertaining to:

3 (A) a parked vehicle, equipment, size, weight, inspection, or
4 registration of the vehicle;

5 (B) child restraint or safety belt systems or seat belts as required in
6 section 1258 or 1259 of this title; ~~or~~

7 (C) motorcycle headgear under section 1256 of this title; or

8 (D) passing a school bus under section 1075 of this title.

9 * * *

10 Sec. 2. 23 V.S.A. § 1075 is amended to read:

11 § 1075. PASSING SCHOOL BUS

12 (a) The operator of a motor vehicle, including authorized emergency
13 vehicles under section 1015 of this title, upon meeting or overtaking a vehicle
14 marked and equipped as provided in section 1283 of this title that has stopped
15 on the highway for the purpose of receiving or discharging public or private
16 schoolchildren, shall stop ~~his or her~~ the operator's vehicle immediately and
17 shall keep it stationary while the flashing red signal lights are in operation.

18 (b) The driver of a vehicle need not stop upon a highway with separate
19 roadways upon meeting or overtaking a school bus that is on a different
20 roadway, or upon a controlled access highway where the school bus is stopped

1 in a loading zone that is a part of or adjacent to the highway at a point where
2 pedestrians are not permitted to cross the roadway.

3 (c) A law enforcement officer shall issue a Vermont Civil Violation
4 Complaint for a traffic violation for the violation of subsection (a) of this
5 section to the registered owner of a motor vehicle identified by number plate
6 within 10 days after a school bus operator attests in a writing made under the
7 penalty of perjury that the motor vehicle bearing that number plate passed a
8 stopped school bus in violation of subsection (a) of this section provided that
9 the writing also includes the date, time, and location of the violation and the
10 writing is made within five days after the date of the violation.

11 Sec. 3. 23 V.S.A. § 2502 is amended to read:

12 § 2502. POINT ASSESSMENT; SCHEDULE

13 (a) Unless the assessment of points is waived by a Superior judge or a
14 Judicial Bureau hearing officer in the interests of justice and in accordance
15 with subsection 2501(b) of this title, a person operating a motor vehicle shall
16 have points assessed against ~~his or her~~ the person's driving record for
17 convictions for moving violations of the indicated motor vehicle statutes in
18 accord with the following schedule: (All references are to this title of the
19 Vermont Statutes Annotated.)

20 * * *

21 (4) Five points assessed for:

1

* * *

2

(B) § 1075. ~~Illegal passing of school bus; [Repealed.]~~

3

* * *

4

Sec. 4. EFFECTIVE DATE

5

This act shall take effect on July 1, 2023.