

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-NINTH SESSION**

**S.F. No. 1111**

(SENATE AUTHORS: KOENEN)

DATE	D-PG	OFFICIAL STATUS
02/26/2015	432	Introduction and first reading Referred to Transportation and Public Safety
04/04/2016	5493a	Comm report: To pass as amended
05/03/2016	5515	Second reading Special Order: Amended Third reading Passed

A bill for an act

1.1 relating to transportation; requiring drivers to stop vehicles at the direction of  
 1.2 a school bus flagger; providing that bus driver is not subject to seat belt fines  
 1.3 arising out of violations by certain passengers; amending Minnesota Statutes  
 1.4 2014, sections 169.444, subdivisions 2, 7, by adding subdivisions; 169.686,  
 1.5 subdivision 1.  
 1.6

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2014, section 169.444, is amended by adding a  
 1.9 subdivision to read:

1.10 Subd. 1b. **Obedience to school bus flagger.** A person may stop and hold vehicles in  
 1.11 place at a location on a street or highway with a posted speed limit of 35 miles per hour  
 1.12 or less until it is safe for the vehicles to proceed, if the person is: (1) designated by the  
 1.13 school district's transportation safety director to act as a flagger; and (2) controlling traffic  
 1.14 in order to enable one or more school buses to safely leave school property and enter the  
 1.15 adjacent street or highway or to safely enter school property from the adjacent street or  
 1.16 highway. A person operating a motor vehicle that has been stopped by a school bus flagger  
 1.17 may proceed after stopping only on instruction by the flagger or a police officer.

1.18 Sec. 2. Minnesota Statutes 2014, section 169.444, is amended by adding a subdivision  
 1.19 to read:

1.20 Subd. 1c. **Safety and equipment standards.** The commissioner of public safety  
 1.21 must establish safety and equipment standards, including but not limited to necessary  
 1.22 training safety equipment and high-visibility safety apparel, for a person designated to  
 1.23 perform school bus flagging.

2.1 Sec. 3. Minnesota Statutes 2014, section 169.444, subdivision 2, is amended to read:

2.2 Subd. 2. **Violations by drivers; penalties.** (a) A person who fails to stop a vehicle  
2.3 or to keep it stopped, as required in subdivision 1b, is guilty of a petty misdemeanor.

2.4 (b) A person who fails to stop a vehicle or to keep it stopped, as required in  
2.5 subdivision 1, or who violates subdivision 1a, is guilty of a misdemeanor punishable  
2.6 by a fine of not less than \$300.

2.7 ~~(b)~~ (c) A person is guilty of a gross misdemeanor if the person fails to stop a motor  
2.8 vehicle or to keep it stopped, as required in subdivision 1, or who violates subdivision 1a,  
2.9 and commits either or both of the following acts:

2.10 (1) passes or attempts to pass the school bus in a motor vehicle on the right-hand,  
2.11 passenger-door side of the bus; or

2.12 (2) passes or attempts to pass the school bus in a motor vehicle when a school child is  
2.13 outside of and on the street or highway used by the school bus or on the adjacent sidewalk.

2.14 Sec. 4. Minnesota Statutes 2014, section 169.444, subdivision 7, is amended to read:

2.15 Subd. 7. **Evidentiary presumption.** (a) There is a rebuttable presumption that  
2.16 signals described in section 169.442 were in working order and operable when a violation  
2.17 of subdivision 1, 1a, 2, or 5 was allegedly committed, if the signals of the applicable  
2.18 school bus were inspected and visually found to be in working order and operable within  
2.19 12 hours preceding the incident giving rise to the violation.

2.20 (b) There is a rebuttable presumption that a motor vehicle outwardly equipped and  
2.21 identified as a school bus satisfies all of the identification and equipment requirements  
2.22 of section 169.441 when a violation of subdivision 1, 1a, 1b, 2, or 5 was allegedly  
2.23 committed, if the applicable school bus bears a current inspection certificate issued under  
2.24 section 169.451.

2.25 Sec. 5. Minnesota Statutes 2014, section 169.686, subdivision 1, is amended to read:

2.26 Subdivision 1. **Seat belt requirement.** (a) Except as provided in section 169.685, a  
2.27 properly adjusted and fastened seat belt, including both the shoulder and lap belt when the  
2.28 vehicle is so equipped, shall be worn by the driver and passengers of a passenger vehicle,  
2.29 commercial motor vehicle, type III vehicle, and type III Head Start vehicle.

2.30 (b) A person who is 15 years of age or older and who violates paragraph (a) is  
2.31 subject to a fine of \$25. The driver of the vehicle in which a violation occurs is subject to  
2.32 a \$25 fine for each violation of paragraph (a) by the driver or by a passenger under the  
2.33 age of 15, but the court may not impose more than one surcharge under section 357.021,

3.1 subdivision 6, on the driver. The Department of Public Safety shall not record a violation  
3.2 of this subdivision on a person's driving record.

3.3 (c) The driver of a bus is not subject to the fine under paragraph (b) for a violation of  
3.4 paragraph (a) by a passenger under the age of 15. This paragraph does not apply to (1)  
3.5 a school bus, including a type III vehicle; and (2) a Head Start bus, including a type III  
3.6 Head Start vehicle.

3.7 **EFFECTIVE DATE.** This section is effective the day following final enactment,  
3.8 and applies to violations committed on or after that date.