

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 2785

(SENATE AUTHORS: SAXHAUG)

DATE	D-PG	OFFICIAL STATUS
03/17/2016	5094	Introduction and first reading
		Referred to Transportation and Public Safety
03/31/2016		Comm report: To pass as amended and re-refer to Judiciary

1.1 A bill for an act
 1.2 relating to transportation; requiring drivers to stop vehicles at the direction
 1.3 of a school bus flagger; amending Minnesota Statutes 2014, section 169.444,
 1.4 subdivisions 2, 5, 6, 7, by adding subdivisions.

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

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

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

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

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

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

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

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

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

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

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

2.13 Sec. 4. Minnesota Statutes 2014, section 169.444, subdivision 5, is amended to read:

2.14 Subd. 5. **Cause for arrest.** (a) A peace officer may arrest the driver of a motor
 2.15 vehicle if the peace officer has probable cause to believe that the driver has operated the
 2.16 vehicle in violation of subdivision 1 ~~or~~ 1a, or 1b within the past four hours.

2.17 (b) A peace officer may issue a citation to the driver of a motor vehicle if the peace
 2.18 officer has probable cause to believe that the driver has operated the vehicle in violation
 2.19 of this section within the four-hour period following the termination of the incident or
 2.20 a receipt of a report under paragraph (c). The citation may be issued even though the
 2.21 violation was not committed in the presence of the peace officer.

2.22 (c) Although probable cause may be otherwise satisfied by other evidentiary
 2.23 elements or factors, probable cause is sufficient for purposes of this section when the
 2.24 person cited is operating the vehicle described by a school bus driver in a timely report of
 2.25 the violation of this section, which includes a description of the vehicle used to commit the
 2.26 offense and the vehicle's license plate number. For the purposes of issuance of a citation
 2.27 under paragraph (b), "timely" means that the report must be made within a four-hour
 2.28 period following the termination of the incident.

2.29 Sec. 5. Minnesota Statutes 2014, section 169.444, subdivision 6, is amended to read:

2.30 Subd. 6. **Violation; penalty for owner or lessee.** (a) If a motor vehicle is operated
 2.31 in violation of subdivision 1 ~~or~~ 1a, or 1b, the owner of the vehicle, or for a leased motor
 2.32 vehicle the lessee of the vehicle, is guilty of a petty misdemeanor.

2.33 (b) The owner or lessee may not be fined under paragraph (a) if (1) another person is
 2.34 convicted for that violation, or (2) the motor vehicle was stolen at the time of the violation.

3.1 (c) Paragraph (a) does not apply to a lessor of a motor vehicle if the lessor keeps a
3.2 record of the name and address of the lessee.

3.3 (d) Paragraph (a) does not prohibit or limit the prosecution of a motor vehicle
3.4 operator for violating subdivision 1 ~~or~~, 1a, or 1b.

3.5 (e) A violation under paragraph (a) does not constitute grounds for revocation or
3.6 suspension of the owner's or lessee's driver's license.

3.7 Sec. 6. Minnesota Statutes 2014, section 169.444, subdivision 7, is amended to read:

3.8 Subd. 7. **Evidentiary presumption.** (a) There is a rebuttable presumption that
3.9 signals described in section 169.442 were in working order and operable when a violation
3.10 of subdivision 1, 1a, 2, or 5 was allegedly committed, if the signals of the applicable
3.11 school bus were inspected and visually found to be in working order and operable within
3.12 12 hours preceding the incident giving rise to the violation.

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