

28 alleged violation; ~~H~~→ [and]

28a ► provides that a law enforcement agency that receives a report shall issue a warning
 28b citation that does not involve a fine, court appearance, or a person's driving record to the
 28c registered owner of the vehicle; and ←~~H~~

29 ► makes technical changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **41-6a-1302**, as renumbered and amended by Laws of Utah 2005, Chapter 2

37 **41-6a-1303**, as renumbered and amended by Laws of Utah 2005, Chapter 2

38

39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **41-6a-1302** is amended to read:

41 **41-6a-1302. School bus -- Signs and light signals -- Flashing amber lights --**

42 **Flashing red lights -- Passing school bus -- Duty to stop -- Travel in opposite direction --**

43 **Penalties.**

44 (1) A school bus, when operated for the transportation of school children, shall:

45 (a) bear on the front and rear of the bus a plainly visible sign containing the words
 46 "school bus" in letters not less than eight inches in height, which shall be removed or covered
 47 when the vehicle is not in use for the transportation of school children; and

48 (b) be equipped with alternating flashing amber and red light signals visible from the
 49 front and rear, of a type approved and mounted as required under Section 41-6a-1301 and
 50 prescribed by the department under Section 41-6a-1601.

51 (2) The operator of a vehicle on a highway, upon meeting or overtaking a school bus
 52 equipped with signals required under this section [~~which is displaying alternating flashing~~]:

53 (a) shall stop immediately and not closer than 50 feet before reaching the bus when the
 54 bus has come to a complete stop and may not proceed until:

55 (i) the bus has completed loading or unloading school children; and

56 (ii) the flashing red light signals cease operation;

57 [~~(a)~~] (b) which is displaying alternating flashing amber warning light signals, shall

58 slow the vehicle, but may proceed past the school bus using due care and caution at a speed not

59 greater than specified in Subsection 41-6a-601(2) for school zones for the safety of the school
60 children that may be in the vicinity; or

61 ~~[(b)]~~ (c) which is displaying alternating flashing red light signals visible from the front
62 or rear, shall stop immediately and not closer than 50 feet before reaching the bus and may not
63 proceed until the flashing red light signals cease operation.

64 (3) The operator of a vehicle need not stop upon meeting or passing a school bus
65 displaying alternating flashing red light signals if the school bus is traveling in the opposite
66 direction when:

67 (a) traveling on a divided highway;

68 (b) the bus is stopped at an intersection or other place controlled by a traffic-control
69 signal or by a peace officer; or

70 (c) on a highway of five or more lanes, which may include a left-turn lane or two-way
71 left turn lane.

72 (4) (a) The operator of a school bus shall operate alternating flashing red light signals
73 at all times when:

74 (i) children are unloading from a school bus to cross a highway;

75 (ii) a school bus is stopped for the purpose of loading children who must cross a
76 highway to board the bus; or

77 (iii) it would be hazardous for vehicles to proceed past the stopped school bus.

78 (b) The alternating flashing red light signals may not be operated except:

79 (i) when the school bus is stopped for loading or unloading school children; or

80 (ii) for an emergency purpose.

81 (5) The operator of a school bus being operated on a highway shall have the headlights
82 of the school bus lighted.

83 (6) (a) A violation of Subsection (2) or (3) is a class C misdemeanor and the minimum
84 fine is:

85 (i) \$100 for a first offense;

86 (ii) \$200 for a second offense within three years of a previous conviction or bail
87 forfeiture; and

88 (iii) \$500 for a third or subsequent offense within three years of a previous conviction
89 or bail forfeiture.

90 (b) A violation of Subsection (5) is a class C misdemeanor and the fine is \$50.
 91 (c) The court may order the person to perform compensatory service in lieu of the fine
 92 or any portion of the fine if the court makes the reasons for the waiver part of the record.

93 (7) The Driver License Division shall develop and implement a record system to
 94 distinguish:

- 95 (a) a conviction or bail forfeiture under this section from other convictions; and
- 96 (b) between a first and subsequent conviction or bail forfeiture under this section.

97 Section 2. Section **41-6a-1303** is amended to read:

98 **41-6a-1303. Passing a school bus complaint procedure.**

99 (1) (a) An operator of a school bus who observes a violation of Subsection
 100 41-6a-1302(2) or (3) may prepare a report, in a manner specified by the school district, to the
 101 school district transportation coordinator no more than two working days after the alleged
 102 violation occurred.

- 103 (b) The report under Subsection (1)(a) shall contain:
 - 104 (i) the date, time, and location of the violation;
 - 105 (ii) the license plate number and state and description of the offending vehicle;
 - 106 (iii) as much as practical, a description of the operator of the offending vehicle;
 - 107 (iv) a description of the incident involving the violation;
 - 108 (v) information on how to contact the school bus operator who witnessed the offense;

109 and

- 110 (vi) the signature of the operator of the school bus who witnessed the offense attesting
 111 to the accuracy of the report.

112 (2) [~~(a)~~] Upon receipt of a report in accordance with Subsection (1), the [~~school district~~
 113 ~~transportation coordinator shall promptly send a notification letter to the last-known registered~~
 114 ~~owner of the vehicle. (b) The notification letter shall include: (i) the applicable information on~~
 115 ~~the school bus operator's report stating that the vehicle was observed passing a school bus~~
 116 ~~displaying alternating flashing red lights in violation of state law; (ii) a complete explanation~~
 117 ~~of the applicable provisions of Section 41-6a-1302; and (iii) an explanation that the~~
 118 ~~notification letter is not a peace officer citation but is an effort to call attention to the~~
 119 ~~seriousness of the incident. (c) The] school district transportation coordinator [~~may~~] shall file
 120 the report with the local law enforcement agency that has jurisdiction for the alleged violation.~~

- 121 (3) A law enforcement agency that receives a report in accordance with Subsection (2) ~~H~~→ :
- 122 (a) ~~H~~← may have a peace officer initiate an investigation of the reported violation ~~H~~→ ;
- 122a and
- 122b (b) shall issue a warning citation that does not involve a fine, court appearance, or a
- 122c person's driving record to the registered owner of the vehicle ~~H~~← .
-
-

Legislative Review Note
as of 2-15-12 4:08 PM

Office of Legislative Research and General Counsel