

By: Representatives Haney, Bennett

To: Education;
Transportation

HOUSE BILL NO. 110

1 AN ACT TO AMEND SECTION 63-3-615, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE CIRCUMSTANCES UNDER WHICH A PERSON NEED NOT STOP
3 WHEN MEETING OR PASSING A SCHOOL BUS ON A DIVIDED HIGHWAY; AND FOR
4 RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 63-3-615, Mississippi Code of 1972, is
7 amended as follows:

8 63-3-615. (1) (a) The driver of a vehicle upon a street or
9 highway upon meeting or overtaking any school bus that has stopped
10 on the street or highway for the purpose of receiving or
11 discharging any school children shall come to a complete stop at
12 least ten (10) feet from the school bus before reaching the school
13 bus when there is in operation on the school bus the flashing red
14 lights provided in Section 63-7-23, or when a retractable,
15 hand-operated stop sign is extended; the driver shall not proceed
16 until the children have crossed the street or highway and the
17 school bus has resumed motion or the flashing red lights are no
18 longer actuated and the hand-operated stop sign is retracted.



19 (b) The driver of a vehicle upon a divided highway that
20 has four (4) lanes or more * * * and permits at least two (2)
21 lanes of traffic to travel in opposite directions need not stop
22 upon meeting or passing a school bus that is * * * stopped in the
23 opposing roadway, or * * * if the school bus is stopped in a
24 loading zone that is a part of or adjacent to the highway and
25 where pedestrians are not permitted to cross the roadway.

26 (2) (a) Except as provided in paragraph (b), any person
27 violating the provisions of subsection (1) of this section shall
28 be guilty of a misdemeanor and upon a first conviction thereof
29 shall be fined not less than Three Hundred Fifty Dollars (\$350.00)
30 nor more than Seven Hundred Fifty Dollars (\$750.00), or imprisoned
31 for not more than one (1) year, or both. For a second or
32 subsequent offense, the offenses being committed within a period
33 of five (5) years, the person shall be guilty of a misdemeanor
34 and, upon conviction, shall be fined not less than Seven Hundred
35 Fifty Dollars (\$750.00) nor more than One Thousand Five Hundred
36 Dollars (\$1,500.00), or imprisoned for not more than one (1) year,
37 or both. In addition, the Commissioner of Public Safety or his
38 duly authorized designee, after conviction for a second or
39 subsequent offense and upon receipt of the court abstract, shall
40 suspend the driver's license and driving privileges of the person
41 for a period of ninety (90) days.

42 (b) A conviction under this section for a violation
43 resulting in any injury to a child who is in the process of



44 boarding or exiting a school bus shall be a violation of Section
45 97-3-7, and a violator shall be punished under subsection (2) of
46 that section.

47 (3) This section shall be applicable only in the event the
48 school bus shall bear upon the front and rear thereon a plainly
49 visible sign containing the words "school bus" in letters not less
50 than four (4) inches in height.

51 (4) If the driver of any vehicle is witnessed by a law
52 enforcement officer or the driver of a school bus to have violated
53 this section and the identity of the driver of the vehicle is not
54 otherwise apparent, it shall be a rebuttable inference that the
55 person in whose name the vehicle is registered committed the
56 violation. If charges are filed against multiple owners of a
57 motor vehicle, only one (1) of the owners may be convicted and
58 court costs may be assessed against only one (1) of the owners.
59 If the vehicle that is involved in the violation is registered in
60 the name of a rental or leasing company and the vehicle is rented
61 or leased to another person at the time of the violation, the
62 rental or leasing company may rebut the inference of guilt by
63 providing the law enforcement officer or prosecuting authority
64 with a copy of the rental or lease agreement in effect at the time
65 of the violation.

66 **SECTION 2.** This act shall take effect and be in force from
67 and after July 1, 2016.

