

By: Representative Zuber

To: Transportation

HOUSE BILL NO. 1331

1 AN ACT TO AMEND SECTION 63-3-615, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT ANY PERSON MAY WITNESS THE DRIVER OF A VEHICLE
3 OVERTAKING A SCHOOL BUS; AND FOR RELATED PURPOSES.

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

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

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



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

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

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



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

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

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

64 **SECTION 2.** This act shall take effect and be in force from
65 and after July 1, 2018.

