

By the Committee on Law Enforcement & Public Safety and
Representatives Carlton, Futch and Feeney

1 A bill to be entitled
2 An act relating to school buses; amending s.
3 316.172, F.S.; providing additional penalties
4 for passing a school bus on the side that
5 children enter and exit when the school bus
6 displays a stop signal; clarifying that school
7 buses must display warning lights and stop
8 signals as required by rule of the State Board
9 of Education; amending s. 318.18, F.S.;
10 providing a fine for passing a school bus on
11 the side that children enter and exit when the
12 school bus displays a stop signal; providing
13 for suspension of driver's license for second
14 or subsequent offense; amending s. 318.19,
15 F.S.; requiring a mandatory hearing for passing
16 a school bus on the side of the bus that
17 children enter and exit when the bus displays a
18 stop signal; amending s. 234.051, F.S.,
19 relating to school buses; deleting an obsolete
20 reference to the Interstate Commerce
21 Commission; providing correct reference to
22 federal regulations; amending s. 234.101, F.S.,
23 relating to requirements for school bus
24 drivers; providing correct references to
25 federal regulations; repealing s. 234.091,
26 F.S., relating to general qualifications for
27 school bus drivers; providing an effective
28 date.

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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Section 316.172, Florida Statutes, 1996
2 Supplement, is amended to read:

3 316.172 Traffic to stop for school bus.--

4 (1)(a) Any person using, operating, or driving a
5 vehicle on or over the roads or highways of this state shall,
6 upon approaching any school bus ~~used in transporting school~~
7 ~~pupils to or from school which is properly identified in~~
8 ~~substantial accordance with the provisions of s. 234.051 and~~
9 which displays a stop signal, bring such vehicle to a full
10 stop while the bus is stopped, and the vehicle shall not pass
11 the school bus until the signal has been withdrawn. A person
12 who violates this section commits a moving violation,
13 punishable as provided in chapter 318.

14 (b) Any person using, operating, or driving a vehicle
15 that passes a school bus on the side that children enter and
16 exit when the school bus displays a stop signal commits a
17 moving violation, punishable as provided in chapter 318, and
18 is subject to a mandatory hearing under the provisions of s.
19 318.19.

20 (2) The driver of a vehicle upon a divided highway
21 with an unpaved space of at least 5 feet, a raised median, or
22 a physical barrier is not required to stop when traveling in
23 the opposite direction of a school bus which is stopped in
24 accordance with the provisions of this section where the
25 one-way roadways are separated by an intervening unpaved space
26 of at least 5 feet or physical barrier need not stop upon
27 meeting or passing a school bus which is on a different
28 roadway.

29 (3) Every school bus shall stop as far to the right of
30 the street as possible and shall display warning lights and
31 stop signals as required by rules of the State Board of

1 Education before discharging or loading passengers.~~and~~,When
2 possible, a school bus shall not stop where the visibility is
3 obscured for a distance of 200 feet either way from the bus.

4 Section 2. Subsection (5) of section 318.18, Florida
5 Statutes, 1996 Supplement, is amended to read:

6 318.18 Amount of civil penalties.--The penalties
7 required for a noncriminal disposition pursuant to s. 318.14
8 are as follows:

9 (5)(a) One hundred dollars for a violation of s.
10 316.172(1)(a), failure to stop for a school bus. If, at a
11 hearing, the alleged offender is found to have committed this
12 offense, the court shall impose a minimum civil penalty of
13 \$100. In addition to this penalty, for a second or subsequent
14 offense within a period of 5 years, the department shall
15 suspend the driver's license of the person for not less than
16 90 days and not more than 6 months.

17 (b) Two hundred dollars for a violation of s.
18 316.172(1)(b), passing a school bus on the side that children
19 enter and exit when the school bus displays a stop signal. If,
20 at a hearing, the alleged offender is found to have committed
21 this offense, the court shall impose a minimum civil penalty
22 of \$200. In addition to this penalty, for a second or
23 subsequent offense within a period of 5 years, the department
24 shall suspend the driver's license of the person for not less
25 than 180 days and not more than 1 year.

26 Section 3. Section 318.19, Florida Statutes, is
27 amended to read:

28 318.19 Infractions requiring a mandatory hearing.--Any
29 person cited for the infractions listed in this section shall
30 not have the provisions of s. 318.14(2),~~and~~ (4), and (9)

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1 available to him or her but must appear before the designated
2 official at the time and location of the scheduled hearing:

3 (1) Any infraction which results in an accident that
4 causes the death of another; or

5 (2) Any infraction which results in an accident that
6 causes "serious bodily injury" of another as defined in s.
7 316.1933(1); ~~or-~~

8 (3) Any infraction of s. 316.172(2).

9 Section 4. Paragraph (b) of subsection (1) of section
10 234.051, Florida Statutes, is amended to read:

11 234.051 School buses.--School buses shall be defined
12 and meet specifications as follows:

13 (1) DEFINITION.--For the purpose of the school code, a
14 "school bus" is defined as a motor vehicle regularly used for
15 the transportation of prekindergarten through grade 12
16 students of the public schools to and from school or to and
17 from school activities, and owned, operated, rented,
18 contracted, or leased by any school board, excepting:

19 (b) Motor vehicles subject to, and meeting all
20 requirements of, the United States Department of
21 Transportation, Federal Motor Carrier Safety Regulations under
22 Title 49, Code of Federal Regulations ~~Interstate Commerce~~
23 ~~Commission~~ and operated by carriers operating under the
24 jurisdiction of these regulations ~~the Interstate Commerce~~
25 ~~Commission~~ but not used exclusively for the transportation of
26 public school students ~~pupils~~.

27 Section 5. Subsection (1) of section 234.101, Florida
28 Statutes, 1996 Supplement, is amended to read:

29 234.101 Requirements for school bus drivers.--

30 (1) Each school bus driver must be of good moral
31 character, of good vision and hearing, able-bodied, free from

1 communicable disease, mentally alert, and sufficiently strong
2 physically to handle the bus with ease, and he or she must
3 possess other qualifications prescribed by the state board,
4 including those qualifications described in 49 C.F.R. s. 391
5 ~~ss. 391.41-.49~~, relating to physical qualifications and
6 examinations and 49 C.F.R. Part 40 and Part 382, relating to
7 ~~ss. 391.81-.123~~ controlled substance and alcohol use and
8 testing, and he or she must hold a valid commercial driver's
9 license with a passenger endorsement.

10 Section 6. Section 234.091, Florida Statutes, is
11 hereby repealed.

12 Section 7. This act shall take effect October 1, 1997.
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