

SECOND REGULAR SESSION

HOUSE BILL NO. 2478

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LOW (39) (Sponsor), BAKER (25), HOLSMAN, WALSH, OXFORD, NASHEED, GEORGE, FRAME, WRIGHT-JONES AND CORCORAN (Co-sponsors).

Read 1st time March 27, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5512L.01I

AN ACT

To repeal section 304.050, RSMo, and to enact in lieu thereof one new section relating to school buses.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 304.050, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 304.050, to read as follows:

304.050. 1. The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop, shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by its driver to proceed.

2. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than eight inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "State Law: Stop while bus is loading and unloading". Each school bus subject to the provisions of sections 304.050 to 304.070 shall be equipped with a mechanical and electrical signaling device approved by the state board of education, which will display a signal plainly visible from the front and rear and indicating intention to stop.

3. Every school bus operated to transport students in the public school system which has a gross vehicle weight rating of more than ten thousand pounds, which has the engine mounted

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 entirely in front of the windshield and the entrance door behind the front wheels, and which is
16 used for the transportation of school children shall be equipped no later than August 1, 1998,
17 with a crossing control arm. The crossing control arm, when activated, shall extend a minimum
18 of five feet six inches from the face of the front bumper. The crossing control arm shall be
19 attached on the right side of the front bumper and shall be activated by the same controls which
20 activate the mechanical and electrical signaling devices described in subsection 2 of this section.
21 This subsection may be cited as "Jessica's Law" in commemoration of Jessica Leicht and all
22 other Missouri schoolchildren who have been injured or killed during the operation of a school
23 bus.

24 4. Except as otherwise provided in this section, the driver of a school bus in the process
25 of loading or unloading students upon a street or highway shall activate the mechanical and
26 electrical signaling devices, in the manner prescribed by the state board of education, to
27 communicate to drivers of other vehicles that students are loading or unloading. A public school
28 district shall have the authority pursuant to this section to adopt a policy which provides that the
29 driver of a school bus in the process of loading or unloading students upon a divided highway
30 of four or more lanes may pull off of the main roadway and load or unload students without
31 activating the mechanical and electrical signaling devices in a manner which gives the signal for
32 other drivers to stop and may use the amber signaling devices to alert motorists that the school
33 bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes
34 and also provided that the emergency flashing signal lights are activated in a manner which
35 indicates that drivers should proceed with caution, and in such case, the driver of a vehicle may
36 proceed past the school bus with due caution. No driver of a school bus shall take on or
37 discharge passengers at any location upon a highway consisting of four or more lanes of traffic,
38 whether or not divided by a median or barrier, in such manner as to require the passengers to
39 cross more than two lanes of traffic; nor shall any passengers be taken on or discharged while
40 the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible
41 for at least five hundred feet in each direction to drivers of other vehicles in the case of a
42 highway with no shoulder and a speed limit greater than sixty miles per hour and at least three
43 hundred feet in each direction to drivers of other vehicles upon other highways, and on all
44 highways, only for such time as is actually necessary to take on and discharge passengers.

45 5. The driver of a vehicle upon a highway with separate roadways need not stop upon
46 meeting or overtaking a school bus which is on a different roadway, or which is proceeding in
47 the opposite direction on a highway containing four or more lanes of traffic, or which is stopped
48 in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at
49 a point where pedestrians are not permitted to cross the roadway.

50 6. The driver of any school bus driving upon the highways of this state after loading or
51 unloading school children, shall remain stopped if the bus is followed by three or more vehicles,
52 until such vehicles have been permitted to pass the school bus, if the conditions prevailing make
53 it safe to do so.

54 7. If any vehicle is witnessed by a peace officer or the driver of a school bus to have
55 violated the provisions of this section and the identity of the operator is not otherwise apparent,
56 it shall be a rebuttable presumption that the person in whose name such vehicle is registered
57 committed the violation. In the event that charges are filed against multiple owners of a motor
58 vehicle, only one of the owners may be convicted and court costs may be assessed against only
59 one of the owners. If the vehicle which is involved in the violation is registered in the name of
60 a rental or leasing company and the vehicle is rented or leased to another person at the time of
61 the violation, the rental or leasing company may rebut the presumption by providing the peace
62 officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time
63 of the violation. No prosecuting authority may bring any legal proceedings against a rental or
64 leasing company under this section unless prior written notice of the violation has been given to
65 that rental or leasing company by registered mail at the address appearing on the registration and
66 the rental or leasing company has failed to provide the rental or lease agreement copy within
67 fifteen days of receipt of such notice.

68 8. Notwithstanding the provisions in section 301.130, RSMo, every school bus shall be
69 required to have two license plates.

70 **9. No driver shall allow a school bus to sit with its engine idling while loading or**
71 **unloading children at a school, or while waiting for children to load or unload at a school;**
72 **the engine shall remain off until the bus is loaded and ready for departure from the school.**

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