

CHAPTER 97-10

Committee Substitute for Senate Bill No. 778

An act relating to school buses; amending s. 316.172, F.S.; providing additional penalties for passing a school bus on the side that children enter and exit when the school bus displays a stop signal; clarifying that school buses must display warning lights and stop signals as required by rule of the State Board of Education; amending s. 318.18, F.S.; providing a fine for passing a school bus on the side that children enter and exit when the school bus displays a stop signal; providing for suspension of driver's license for second or subsequent offense; amending s. 318.19, F.S.; requiring a mandatory hearing for passing a school bus on the side of the bus that children enter and exit when the bus displays a stop signal; amending s. 234.051, F.S., relating to school buses; deleting an obsolete reference to the Interstate Commerce Commission; providing correct reference to federal regulations; amending s. 234.101, F.S., relating to requirements for school bus drivers; providing correct references to federal regulations; repealing s. 234.091, F.S., relating to general qualifications for school bus drivers; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 316.172, Florida Statutes, 1996 Supplement, is amended to read:

316.172 Traffic to stop for school bus.—

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to a full stop while the bus is stopped, and the vehicle shall not pass the school bus until the signal has been withdrawn.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

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

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

(3) Every school bus shall stop as far to the right of the street as possible and shall display warning lights and stop signals as required by rules of the State Board of Education before discharging or loading passengers. ~~and,~~ When possible, a school bus shall not stop where the visibility is obscured for a distance of 200 feet either way from the bus.

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

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

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

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

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

318.19 Infractions requiring a mandatory hearing.—Any person cited for the infractions listed in this section shall not have the provisions of s. 318.14(2), ~~and (4), and (9)~~ available to him or her but must appear before the designated official at the time and location of the scheduled hearing:

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

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

(3) Any infraction of s. 316.172(1)(b).

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

234.051 School buses.—School buses shall be defined and meet specifications as follows:

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

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

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

234.101 Requirements for school bus drivers.—

(1) Each school bus driver must be of good moral character, of good vision and hearing, able-bodied, free from communicable disease, mentally alert, and sufficiently strong physically to handle the bus with ease, and he or she must possess other qualifications prescribed by the state board, including those qualifications described in 49 C.F.R. s. 391 ss. 391.41-.49, relating to “physical qualifications and examinations” and 49 C.F.R. Part 40 and Part 382, relating to ss. 391.81-.123 “controlled substance and alcohol use and testing,” and he or she must hold a valid commercial driver’s license with a passenger endorsement.

Section 6. Section 234.091, Florida Statutes, is repealed.

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

Approved by the Governor April 17, 1997.

Filed in Office Secretary of State April 17, 1997.