

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 535

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO TRAFFIC ENFORCEMENT; AMENDING SECTION 49-1422, IDAHO CODE, TO REVISE PROVISIONS REGARDING FINES AND PENALTIES FOR OVERTAKING AND PASSING A SCHOOL BUS AND TO PROVIDE FOR THE USE OF CERTAIN MONEYS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-1422, Idaho Code, be, and the same is hereby amended to read as follows:

49-1422. OVERTAKING AND PASSING SCHOOL BUS. (1) The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching the school bus when there is in operation on a school bus the visual signals specified in section 49-915, Idaho Code, and the driver of a vehicle shall not proceed until the school bus resumes motion or the visual signals are no longer actuated. Oncoming traffic on a highway of more than three (3) lanes is not required to stop upon meeting a school bus when visual signals are actuated. Any person found guilty of violating the provisions of this subsection shall be fined an amount of no less than ~~two hundred dollars (\$200)~~ three hundred dollars (\$300) for a first offense under this subsection; ~~no less than four hundred dollars (\$400) for a second offense under this subsection within five (5) years of a prior offense under this subsection;~~ and ~~no less than six hundred dollars (\$600) for a third offense under this subsection within five (5) years of two (2) prior offenses under this subsection.~~ A person convicted of a second offense or any subsequent offense under this subsection within five (5) years shall be guilty of a misdemeanor punishable by a fine of no less than six hundred dollars (\$600) or more than one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment. The department shall notify any person convicted of a violation of this section of the penalties that may be imposed for a second conviction and any subsequent conviction. Notwithstanding the provisions of section 19-4705, Idaho Code, the fines imposed under this subsection in excess of one hundred dollars (\$100) shall be paid into the school bus camera fund, which is hereby created in the state treasury. ~~Moneys in the fund may be appropriated only for the purpose of installing cameras on school buses to enforce the traffic law established in this section. If no program is established for the administration of the school bus camera fund by July 1, 2024, then such funds shall be distributed pursuant to section 19-4705, Idaho Code.~~ Moneys in the fund may be appropriated only for the purpose of school bus stop arm software, equipment, and training to enforce the provisions of this section. Administration of the school bus camera fund shall be overseen by the state department of education.

1 (2) Every school bus shall be equipped with visual signals meeting the  
2 requirements of section 49-915, Idaho Code, which shall be actuated by the  
3 driver of the school bus whenever, but only whenever, the vehicle is stopped  
4 on the highway for the purpose of receiving or discharging school children.  
5 A school bus driver shall not actuate the special visual signals:

6 (a) In business districts designated by the department or local author-  
7 ities;

8 (b) At intersections or other places where traffic is controlled by  
9 traffic control signals or peace officers; or

10 (c) In designated school bus loading areas where the bus is entirely off  
11 the roadway.

12 (3) Every school bus shall bear upon the front and rear plainly visi-  
13 ble signs containing the words "SCHOOL BUS" in letters not less than eight  
14 (8) inches in height. When a school bus is being operated upon a highway  
15 for purposes other than the actual transportation of children either to or  
16 from school, all markings thereon indicating "school bus" shall be covered  
17 or concealed.

18 (4) When any school bus is sold and is no longer to be used for the  
19 transportation of pupils, before it may again be used on the highways of this  
20 state, it shall be painted a color other than national school bus glossy yel-  
21 low, federal standard 595a, color number 13432, and all school bus markings  
22 shall be obliterated.

23 SECTION 2. An emergency existing therefor, which emergency is hereby  
24 declared to exist, this act shall be in full force and effect on and after  
25 July 1, 2024.