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COMMITTEES:

Education
Energy and Natural Resources (Vice Chair)

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Good morning, Mr. Chairman and members of the committee. For the record, my name is Anna Novak, representative from District 33.

HB1294, which is amended and I have provided you with a copy of the amendments, does two things related to the passing of a stopped school bus. It increases the first offense to a fine of \$250, up from \$100. The second thing it does is causes a subsequent offense within five years to be considered an infraction and increases the penalty to \$750.

I introduced this bill on behalf of a constituent, Troy Johnson, who is here to testify after me. Troy runs our local Harlow's School Busing service in Hazen. He has seen the issue of passing a stopped school bus firsthand, countless times. Hazen Public School doesn't offer busing to in town students, so the reason why this issue is such a big deal is because we are often talking about vehicles passing stopped school buses on the highway, going at highway speeds.

In rural North Dakota, it isn't uncommon for students to be picked up on the highway, if their driveway isn't large enough for the bus to turn around in and they live close enough to the highway. So, depending on if they are on their way to school in the morning or being dropped off after school, they have to cross the highway once a day. The school bus "stop arm" comes out and the bus flashes its red lights. This is obviously meant to alert oncoming traffic or traffic coming up behind the bus to stop. But there are many times each month where a vehicle doesn't stop. So, we have children crossing the highway in serious danger of being hit by the vehicle, and sometimes the vehicle is coming from behind the bus so the child can't even see it coming.

HB1294 increases the penalties for passing a stopped school bus. While it doesn't fix the problem, my hope is that the penalty deters some of the drivers from breaking the law.

The complete fix for this issue would be for us to require school buses to have cameras installed. Currently, we often don't know who is passing the bus. In order to prosecute the person, the bus driver is supposed to get the license plate number of the vehicle in addition to a description of the driver. But when a person passes a stopped school bus, the bus driver is only concerned about the safety of the child. By the time they have the reassurance that the child is ok, the vehicle is long gone. If the bus had cameras installed, that information would be caught and the evidence would be unrefutable. However, that requirement comes with a hefty price tag, which I did not want to ask the state for and I also didn't want to require an unfunded mandate for the public schools. I tried to come up with a way for the funds generated from the fines imposed by breaking this law, but it just can't be done. I also reached out to DOT and DPI to see if they knew of any safety grant opportunities. I did

not hear back from DOT but DPI passed along a few opportunities. However, those are ever changing because of grant deadlines, etc. I'm happy to share those with the committee, if you'd like to see those.

Along with my testimony, I've included some information on what our surrounding states are doing to deal with this issue. Feel free to read through the Memorandum from Legislative Council at your leisure, but to sum it up, our surrounding states have penalties that are much steeper than what we currently have in Century Code.

I believe it's time to increase the penalties for passing a stopped school bus and I hope you'll agree by giving HB1294 a Do-Pass Recommendation. Thank you, Mr. Chairman and members of the committee. With that, I'll stand for any questions you may have.



North Dakota Legislative Council

Prepared for Representative Novak

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LAWS IN SOUTH DAKOTA, MINNESOTA, AND MONTANA RELATING TO PASSING SCHOOL BUSES

This memorandum provides information regarding the laws in South Dakota, Minnesota, and Montana relating to passing school buses and information on the historical changes in penalties for violations of these laws.

SOUTH DAKOTA

South Dakota Codified Laws Section 32-32-6 requires an operator of a motor vehicle on a highway that has less than two lanes of travel in each direction or a private road approaching a school bus, or on a highway providing two or more lanes of travel in each direction approaching a school bus that is traveling in the same direction, to reduce the speed of the vehicle to a speed not to exceed 15 miles per hour and to proceed past the school bus with caution when the bus has its amber warning lights flashing. The law also requires an operator of a motor vehicle to make a complete stop at least 15 feet from a school bus that has its red signal lights flashing and to remain stopped until the flashing red signal lights are extinguished. The law clarifies a lane designated solely for the purpose of turning is not considered a lane of travel for the purposes this section.

The law provides the operator of a motor vehicle on a highway with two or more lanes of travel in each direction, who is traveling in the opposite direction of a school bus, does not need to reduce its speed or stop even though a school bus has its amber warning lights flashing or is stopped and has its red signal lights flashing.

The law also provides a violation is a Class 2 misdemeanor, which under Section 22-6-2 provides for a maximum penalty upon conviction of 30 days imprisonment in a county jail or a \$500 fine, or both, as well as restitution to any victim in accordance with the provisions of Chapter 23A-28.

As originally written in 1963, the law provided a violation of any of its provisions was a misdemeanor punishable by a fine not to exceed \$100 or imprisonment in the county jail for a period not to exceed 30 days, or both. The statute was next amended in 1974, and a penalty does not appear in the language until 1989, when the South Dakota Legislature made a violation of the law's provisions a Class 2 misdemeanor.

MINNESOTA

Minnesota Statutes Section 169.444 requires a vehicle driver to stop at least 20 feet away from a school bus that is stopped on a street or highway or certain other locations where signs have been erected and that is displaying an extended stop signal arm and flashing red lights. The law prohibits the driver of a vehicle from moving until the school bus stop signal arm is retracted and the red lights are no longer flashing.

The law prohibits a person from passing or attempting to pass a school bus in a motor vehicle on the right hand, passenger door side of the bus when the bus is displaying prewarning flashing amber signals.

The law provides a person who violates any of these provisions is guilty of a misdemeanor punishable by a fine of not less than \$500 and provides a person who violates any of these provisions and passes or attempts to pass a school bus in a motor vehicle on the right-hand, passenger-door side of the bus, or passes or attempts to pass a school bus in a motor vehicle when a school child is outside of and on the street or highway used by the school bus or on the adjacent sidewalk, is guilty of a gross misdemeanor. These penalties have been in place since the 1991 enactment of the law, with the exception of the fine of not less than \$500. The Minnesota Legislature added a fine of not less than \$300 in 1995, and raised it to a fine of not less than \$500 in 2017.

Under Minnesota Statutes Section 609.02, a misdemeanor is a crime for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both, may be imposed and provides the maximum fine which may be imposed for a gross misdemeanor is \$3,000.

MONTANA

Montana Code Section 61-8-351 requires a driver of a motor vehicle that is approaching a school bus that has stopped on the roadway or street to receive or discharge school children and has actuated flashing red lights to stop the motor vehicle not less than approximately 30 feet from the bus and prohibits the driver from proceeding past the bus until the bus ceases operation of its flashing red lights. The law prohibits a driver of a motor vehicle from overtaking a stopped school bus on the right side of the bus. It provides a person who violates this provision, or a driver of a motor vehicle who makes contact with any portion of a school bus, including making contact with an extended stop arm or a school child within 30 feet of the bus when it is stopped at a bus stop that requires a child to cross a roadway, is guilty of a misdemeanor and is subject for a first offense to a fine of not less than \$500 or more than \$1,000, a sentence of community service of not less than 50 hours or more than 100 hours, or both; for a second offense to a fine of not less than \$1,000 or more than \$2,000, a sentence of community service of not less than 100 hours or more than 200 hours, or both; and for a third or subsequent offense to a fine of not less than \$3,000 or more than \$5,000, a sentence of imprisonment for a term of not less than 30 days, or both.

The law requires a driver of a motor vehicle that is approaching, from either direction, a school bus that is preparing to stop on the highway or street to receive or discharge school children and has actuated flashing amber lights to slow to a rate of speed that is reasonable under the conditions existing at the point of operation and to be prepared to stop on the actuation of flashing red lights when the school bus has stopped. It provides a violation of this provision is a misdemeanor and is punishable on conviction by a fine of not more than \$1,000, by imprisonment for not more than 6 months, or both.

The law provides the driver of a motor vehicle upon a highway with separate roadways is not required to stop upon meeting or passing a school bus that is on a different roadway or on a controlled-access highway and the bus is stopped in a loading zone that is part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway.

In 2003, the penalty for a violation of the statute was a fine of not more than \$500. In 2021, the Montana Legislature increased the penalty for violation of the provision prohibiting a driver of a motor vehicle from overtaking a stopped school bus on the right side of the bus to include a misdemeanor punishable on conviction by a fine of not more than \$1,000, by imprisonment for not more than 6 months, or both, and added a misdemeanor penalty for making contact with any portion of a stopped school bus, including an extended stop arm, or making contact with a school child within 30 feet of a school bus. In 2023, the Montana Legislature made violations of any of the above referenced Montana statutory provisions misdemeanor offenses.