

2025 HOUSE TRANSPORTATION

HB 1294

2025 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee Room JW327E, State Capitol

HB 1294
2/7/2025

Relating to offenses excepted from the traffic violation procedure, amount of fees, moving violations, and overtaking and passing a schoolbus; and to provide a penalty.

9:47 a.m. Chairman D. Ruby opened the hearing.

Members Present: Chairman D. Ruby, Vice Chairman Grueneich, Representatives Christianson, Dressler, Frelich, Hendrix, Johnston, Kasper, Koppelman, Maki, Morton, Osowski, Schatz
Members Absent: Representative Finley-DeVillie

Discussion Topics:

- Suggested amendment
- Related penalties
- Safety concerns

9:45 a.m. Representative Anna Novak introduced the bill, suggested an amendment to change fee from 500 dollars to 250 dollars, and submitted testimony #36189 and #36190.

9:57 a.m. Troy Johnson, Harlow's School Bus Manager, testified in favor.

10:14 a.m. Molly Nelson, Registered Nurse, testified in favor.

10:18 a.m. Sunny Brennan testified in favor.

10:21 a.m. Frank Senn, Chief of Police, testified in favor.

10:36 a.m. Kaelan Akvik testified in favor and submitted testimony #33953.

Additional written testimony:

Cassie Orloske submitted testimony in favor #34703.

10:47 a.m. Chairman D. Ruby closed the hearing.

Janae Pinks, Committee Clerk

Hello,

My name is Kaelan Akvik, and I am a resident of Walcott, ND in Richland County. I would like to write in support of HB 1294 as it relates to increasing fines for people who overtake a school bus while the stop arm is extended.

I am a second-generation school bus driver. My dad recently retired from the Richland #44 School District after 35 years behind the wheel. In his many years, a small stop sign and red lights were the only thing standing between his passengers and other motorists on the roadways. He was fortunate to never have any child struck by a vehicle, but far too many times to count, a vehicle decided the stop sign didn't apply to them.

A bus driver is one of the best multi-taskers you can ask for behind the wheel of a vehicle loaded with children. His last bus had a capacity 65 passengers, was registered for 30,000lbs, was painted in the required "National School Bus Glossy Yellow", letters at least 8 inches tall spelling out "SCHOOL BUS", and a white strobe light adorning the top of the massive vehicle. Not only was he tasked with piloting this vehicle, but also for the safety and wellbeing of his passengers. Beyond the standard road hazards, he also needed to be aware of two special things that pertain to school busses. Railroad tracks and use of the stop sign.

The only days when my dad would arrive home after his route upset or angry was when someone had disregarded his stop arm. In the frenzy of hauling a bus load of kids, obeying traffic laws, knowing who is riding and who is not, and keeping peace in the bus, the most stressful part of driving is a pick-up or drop-off. We are in control of most things inside our bus, but these two events introduce the external factor of other traffic. You approach the stop, activate the amber warning lights as you approach, make a full stop, and only when you can confirm all approaching traffic can safely stop, open the passenger door to activate the red warning lights and stop arm. You scan your mirrors excessively because someone's life depends on it. When it is safe, you allow the children to exit the bus. When they are completely out of the roadway and safe, you can then shut your door, allowing the red lights to stop and stop arm to retract. You rejoin traffic and continue on to perform this process again and again.

Before the addition of stop-arm cameras on our busses, you would need to try to write down or remember the plate number, radio it into the school, and they would follow up. The end of the drivers involvement is not done. The local authorities will contact the bus driver to follow-up. He will usually have to attest to this report being factual, and in some cases verify who the driver of the vehicle was.

In the last stop-arm violation my dad had before retiring, he ended up knowing the individual. What makes this more frustrating is the other person approached the bus, stopped, then proceeded. This person had kids who graduated from our school. His own kids had relied on that stop sign to keep them safe. But upon the deputy taking time out of his day to track this driver down, he admitted to doing it, stating "I was running late for a meeting". A meeting could have cost a kid their life. Poor time management on the part of the vehicle driver could have cost a child their life.

One of the closest calls my dad had in his 35 years was on a 2-lane highway about a mile from the city limits of a town. This was an extra dangerous stop because the children had to cross in front of the bus to cross the road into their driveway. He did everything as he had thousands of times before. During one of the mirror checks, he noticed a car coming up fast behind him. He put his arm out in front of the two children approaching the steps to leave the vehicle and said stop. Sure enough, the driver was distracted and saw the stopped up at the last second, swerved to avoid a collision, and blew past the stopped bus at highway speeds. If those kids would have been 10 seconds faster getting their backpacks on, they would have been hit. This driver did not see an enormous yellow bus, with a strobe light, stop sign, flashing yellow and red lights and nearly caused a tragedy. Its not about lack of visibility, its about lack of accountability and punishment.

During my CDL road test for my bus license, at a simulated bus pick-up, two vehicles drove around my stopped bus like it was an everyday occurrence. The road test admins did their best to gather the plate information and file a report, but the one said this is a far too common occurrence.

For those of you who can't wait for the bus to offload its passengers and feel the need to disregard the stop-arm, my average stop time from activating my amber lights to reentering traffic is 20 to 45 seconds. Not even a full minute of waiting is putting children's lives at risk. I am fully in support of raising the fine. In fact, I do not think it goes far enough.

Thank You.

Hello, my name is Cassie Orloske. I am a resident of Fargo, the parent of two high school students in the West Fargo School District, the aunt of two elementary students in another North Dakota school district and a licensed foster parent. I am writing to express my support for House Bill 1294, relating to offenses excepted from the traffic violation procedure, amount of fees, moving violations, and overtaking and passing a school bus.

Distracted drivers who ignore flashing red lights and stop signs on the control arm of the bus and overtake a bus, whether in a residential neighborhood, on a county road or highway, are engaging in irresponsible and negligent behavior that can have devastating consequences. The lives of North Dakota's children are worth infinitely more than the few minutes it takes to stop and allow children to safely enter or exit their school bus.

According to the AARP Driver Safety Smart Driver program, North Dakota is one of just nine states with a first-offense fine of \$100 or less. Our neighbors in South Dakota, Minnesota and Montana assess first-violation penalties including significantly higher monetary fines and fees, community service, and potential jail time. Increasing the penalties for this dangerous behavior is essential to protecting the safety and well-being of our children.

More than 400 children nationwide have been killed by drivers passing a stopped school bus over the past four decades, according to the Institute for Transportation Research and Education. By increasing the fine, we send a clear message to drivers in North Dakota that the safety of our children is a top priority.

Thank you for your consideration of this bill and commitment to the safety and well-being of our children!

Cassie J. Orloske

25.0128.02001
Title.

Prepared by the Legislative Council
staff for Representative Novak
January 16, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1294

Introduced by

Representatives Novak, D. Anderson, Hauck, J. Olson, Pyle, Jonas

Senators Patten, Rummel

1 A BILL for an Act to amend and reenact section 39-06.1-05, subsection 2 of section 39-06.1-06,
2 and sections 39-06.1-09, 39-10-46, and 39-10-46.1 of the North Dakota Century Code, relating
3 to offenses excepted from the traffic violation procedure, amount of fees, moving violations, and
4 overtaking and passing a schoolbus; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 39-06.1-05 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **39-06.1-05. Offenses excepted.**

9 The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be
10 ~~utilized~~used by a person charged with one of the following offenses:

- 11 1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01,
12 or an equivalent ordinance.
- 13 2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an
14 equivalent ordinance.
- 15 3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
- 16 4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07,
17 or 39-08-08, or equivalent ordinances.
- 18 5. Driving while license or driving privilege is suspended or revoked in violation of section
19 39-06-42, or an equivalent ordinance.
- 20 6. Violating subdivision b or c of subsection 5 of section 39-24-09.

- 1 7. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.
- 2 8. Causing an accident with an authorized emergency vehicle or a vehicle operated by or
- 3 under the control of the director used for maintaining the state highway system in
- 4 violation of subsection 5 of section 39-10-26.
- 5 9. A second or subsequent offense within five years of the first violation of overtaking a
- 6 stopped schoolbus when the flashing red lights or the stop sign on the control arm on
- 7 the schoolbus is in operation in violation of section 39-10-46 or a second or
- 8 subsequent violation within five years of the first offense of the registered owner of a
- 9 motor vehicle allowing the overtaking or passing of a schoolbus in violation of section
- 10 39-10-46.1.

11 **SECTION 2. AMENDMENT.** Subsection 2 of section 39-06.1-06 of the North Dakota
12 Century Code is amended and reenacted as follows:

- 13 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except
- 14 for:
- 15 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty
- 16 dollars.
- 17 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
- 18 subsection 1 of section 39-10-28, a fee of fifty dollars.
- 19 c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
- 20 d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section
- 21 39-08-25, a fee of one hundred dollars.
- 22 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
- 23 hundred dollars.
- 24 f. A violation of subsection 6 of section 39-04-37, a fee of one hundred dollars.
- 25 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
- 26 dollars.
- 27 h. A violation of section 39-10-59, a fee of five hundred dollars.
- 28 i. A violation of section 39-09-01, a fee of thirty dollars.
- 29 j. A violation of section 39-09-01.1, a fee of thirty dollars.
- 30 k. A violation of section 39-10-46 or 39-10-46.1, a fee of ~~one five hundred two~~
- 31 hundred fifty dollars for a first violation.

1 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
2 violation and three hundred dollars for a second or subsequent violation in three
3 years.

4 m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.

5 n. A violation of section 39-10-50.1, a fee of fifty dollars.

6 o. A violation of section 39-19-03, a fee of fifty dollars.

7 **SECTION 3. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **39-06.1-09. Moving violation defined.**

10 For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a
11 violation of section 39-04-11, 39-04-22, subsection 1 of section 39-04-37, section 39-04-55,
12 39-06-01, 39-06-04, 39-06-14, 39-06-14.1, 39-06-16, 39-06.2-07, 39-08-20, 39-08-23, 39-08-24,
13 39-08-25, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02,
14 section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-19-03, 39-21-45.1, 39-24-02, or 39-24-09,
15 except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a
16 violation of the provisions of chapter 39-10, 39-10.2, 39-21, or 39-27, or equivalent ordinances,
17 except subsection 5 of section 39-10-26, a second or subsequent violation of section 39-10-46
18 or 39-10-46.1, section 39-21-44, and subsections 2 and 3 of section 39-21-46, and those
19 sections within those chapters which are specifically listed in subsection 1 of section
20 39-06.1-08.

21 **SECTION 4. AMENDMENT.** Section 39-10-46 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **39-10-46. Overtaking and passing schoolbus.**

- 24 1. The driver of a vehicle meeting or overtaking from either direction any schoolbus
25 stopped on the highway shall stop the vehicle before reaching the schoolbus when
26 there is in operation on the schoolbus the flashing red lights or the stop sign on the
27 control arm specified in section 39-21-18, and the driver may not proceed until the
28 schoolbus resumes motion, the driver is signaled by the schoolbus driver to proceed,
29 or the flashing red lights and the stop sign on the control arm are no longer actuated.
30 2. Every schoolbus must bear upon the front and rear thereof plainly visible signs
31 containing the word "SCHOOLBUS" in letters not less than eight inches [20.32

centimeters] in height. When a schoolbus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or for a school-sanctioned activity, all markings thereon indicating "SCHOOLBUS" must be covered or concealed.

3. The operator of a schoolbus equipped with amber caution lights may activate those lights at a distance of not less than three hundred feet [91.44 meters] nor more than five hundred feet [152.4 meters] from the point where schoolchildren are to be received or discharged from the bus.

4. Every schoolbus must be equipped with a stop sign on a control arm and red visual signals meeting the requirements of section 39-21-18, which may only be actuated by the driver of the schoolbus whenever the vehicle is stopped on the highway to receive or discharge schoolchildren.

5. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a schoolbus which is on a different roadway or when upon a controlled-access highway and the schoolbus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

6. Every schoolbus must bear on the rear of the bus a plainly visible sign containing the words "THIS SCHOOLBUS STOPS AT ALL RAILROAD CROSSINGS".

7. An individual who violates this section must be assessed a fee in the amount provided under section 39-06.1-06 for a first violation. For a second or subsequent violation within five years of the first violation, the individual is guilty of an infraction for which a minimum fine of seven hundred fifty dollars must be imposed.

SECTION 5. AMENDMENT. Section 39-10-46.1 of the North Dakota Century Code is amended and reenacted as follows:

39-10-46.1. ~~Permitting~~Allowing use of vehicle to violate section 39-10-46 prohibited - Presumption of permission - Defense - Dual prosecution prohibited - Penalty.

1. The registered owner of a motor vehicle may not ~~permi~~allow that motor vehicle to be operated in violation of section 39-10-46.

1 a. If a motor vehicle is seen violating section 39-10-46, it is a disputable
2 presumption that the registered owner of the motor vehicle ~~permitted~~allowed that
3 violation.

4 b. A registered owner of a motor vehicle that violates this section must be assessed
5 a fee in the amount provided under section 39-06.1-06 for a first violation. For a
6 second or subsequent violation within five years of the first violation, the
7 registered owner is guilty of an infraction for which a minimum fine of seven
8 hundred fifty dollars must be imposed.

9 c. It is a defense to a charge of violating this section that the registered owner of the
10 vehicle was ~~not~~:

11 (1) Not operating the vehicle, if that registered owner identifies the person
12 authorized by that owner to operate the motor vehicle at the time of the
13 violation of section 39-10-46, or if that motor vehicle had been taken without
14 the registered owner's permission; or

15 (2) A previous registered owner.

16 2. A person may not be charged both with violating this section and with violating section
17 39-10-46.

18 3. Violation of this section is not a lesser included offense of violation of section
19 39-10-46.



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Anna Novak

District 33
1139 Elbowoods Drive
Hazen, ND 58545-4923
anovak@ndlegis.gov

COMMITTEES:

Education
Energy and Natural Resources (Vice Chair)

February 7, 2025

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
LC# 25.9422.01000
January 2025

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.

2025 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee Room JW327E, State Capitol

HB 1294
2/13/2025

Relating to offenses excepted from the traffic violation procedure, amount of fees, moving violations, and overtaking and passing a schoolbus; and to provide a penalty.

3:52 p.m. Chairman D. Ruby opened the meeting.

Members Present: Chairman D. Ruby, Vice Chairman Grueneich, Representatives Christianson, Dressler, Finley-DeVille, Frelich, Johnston, Hendrix, Kasper, Koppelman, Maki, Morton, Osowski, Schatz

Discussion Topics:

- Increased penalty
- ND Century code
- Criminality vs fine
- Presumption of guilt

3:53 p.m. Representative Koppelman moved to adopt amendment LC# 25.0128.02001.

3:53 p.m. Representative Frelich seconded the motion.

3:53 p.m. Voice vote - motion passed.

4:26 p.m. Representative Schatz moved a Do Not Pass as amended.

4:26 p.m. Representative Kasper seconded the motion.

Representatives	Vote
Representative Dan Ruby	N
Representative Jim Grueneich	N
Representative Nels Christianson	N
Representative Ty Dressler	N
Representative Lisa Finley-DeVille	N
Representative Kathy Frelich	N
Representative Jared Hendrix	N
Representative Daniel Johnston	N
Representative Jim Kasper	Y
Representative Ben Koppelman	N
Representative Roger A. Maki	N
Representative Desiree Morton	N
Representative Doug Osowski	N
Representative Mike Schatz	Y

4:23 p.m. Motion failed 2-12-0.

4:26 p.m. Representative Koppelman moved to amend by removing all language of bill while keeping fine of two hundred and fifty dollars.

4:26 p.m. Representative Dressler seconded the motion.

4:28 p.m. Voice vote - motion passed.

4:28 p.m. Representative Dressler moved a Do Pass as Amended.

4:28 p.m. Representative Frelich seconded the motion.

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Nels Christianson	Y
Representative Ty Dressler	Y
Representative Lisa Finley-DeVille	Y
Representative Kathy Frelich	Y
Representative Jared Hendrix	Y
Representative Daniel Johnston	Y
Representative Jim Kasper	N
Representative Ben Koppelman	N
Representative Roger A. Maki	Y
Representative Desiree Morton	N
Representative Doug Osowski	Y
Representative Mike Schatz	N

4:29 p.m. Motion passed 10-4-0.

4:29 p.m. Representative Frelich will carry the bill.

4:30 p.m. Chairman D. Ruby closed the meeting.

Janae Pinks, Committee Clerk

February 13, 2025

OK 2/13/25
1 of 5

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1294

Introduced by

Representatives Novak, D. Anderson, Hauck, J. Olson, Pyle, Jonas

Senators Patten, Rummel

1 A BILL for an Act to amend and reenact ~~section 39-06.1-05~~, subsection 2 of section 39-06.1-06,
2 ~~and sections 39-06.1-09, 39-10-46, and 39-10-46.1~~ of the North Dakota Century Code, relating
3 to ~~offenses excepted from the traffic violation procedure;~~ the amount of fees; ~~moving violations;~~
4 ~~and overtaking and passing a schoolbus; and to provide a penalty~~ for a moving violation.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 ~~SECTION 1. AMENDMENT.~~ Section 39-06.1-05 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 ~~39-06.1-05. Offenses excepted.~~

9 ~~The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be~~
10 ~~utilized~~ used by a person charged with one of the following offenses:

11 ~~1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01,~~
12 ~~or an equivalent ordinance.~~

13 ~~2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an~~
14 ~~equivalent ordinance.~~

15 ~~3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.~~

16 ~~4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07,~~
17 ~~or 39-08-08, or equivalent ordinances.~~

18 ~~5. Driving while license or driving privilege is suspended or revoked in violation of section~~
19 ~~39-06-42, or an equivalent ordinance.~~

20 ~~6. Violating subdivision b or c of subsection 5 of section 39-24-09.~~

- ~~7. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.~~
- ~~8. Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26.~~
- ~~9. A second or subsequent offense within five years of the first violation of overtaking a stopped schoolbus when the flashing red lights or the stop sign on the control arm on the schoolbus is in operation in violation of section 39-10-46 or a second or subsequent violation within five years of the first offense of the registered owner of a motor vehicle allowing the overtaking or passing of a schoolbus in violation of section 39-10-46.1.~~

SECTION 1. AMENDMENT. Subsection 2 of section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
- a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty dollars.
 - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
 - c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
 - d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section 39-08-25, a fee of one hundred dollars.
 - e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.
 - f. A violation of subsection 6 of section 39-04-37, a fee of one hundred dollars.
 - g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty dollars.
 - h. A violation of section 39-10-59, a fee of five hundred dollars.
 - i. A violation of section 39-09-01, a fee of thirty dollars.
 - j. A violation of section 39-09-01.1, a fee of thirty dollars.
 - k. A violation of section 39-10-46 or 39-10-46.1, a fee of ~~one~~ five hundred two hundred fifty dollars ~~for a first violation.~~

- 1 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
2 violation and three hundred dollars for a second or subsequent violation in three
3 years.
4 m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
5 n. A violation of section 39-10-50.1, a fee of fifty dollars.
6 o. A violation of section 39-19-03, a fee of fifty dollars.

7 ~~SECTION 3. AMENDMENT. Section 39-06.1-09 of the North Dakota Century Code is~~
8 ~~amended and reenacted as follows:~~

9 ~~39-06.1-09. Moving violation defined.~~

10 ~~For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a~~
11 ~~violation of section 39-04-11, 39-04-22, subsection 1 of section 39-04-37, section 39-04-55,~~
12 ~~39-06-01, 39-06-04, 39-06-14, 39-06-14.1, 39-06-16, 39-06.2-07, 39-08-20, 39-08-23, 39-08-24,~~
13 ~~39-08-25, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02,~~
14 ~~section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-19-03, 39-21-45.1, 39-24-02, or 39-24-09,~~
15 ~~except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a~~
16 ~~violation of the provisions of chapter 39-10, 39-10.2, 39-21, or 39-27, or equivalent ordinances,~~
17 ~~except subsection 5 of section 39-10-26, a second or subsequent violation of section 39-10-46~~
18 ~~or 39-10-46.1, section 39-21-44, and subsections 2 and 3 of section 39-21-46, and those~~
19 ~~sections within those chapters which are specifically listed in subsection 1 of section~~
20 ~~39-06.1-08.~~

21 ~~SECTION 4. AMENDMENT. Section 39-10-46 of the North Dakota Century Code is~~
22 ~~amended and reenacted as follows:~~

23 ~~39-10-46. Overtaking and passing schoolbus.~~

24 ~~1. The driver of a vehicle meeting or overtaking from either direction any schoolbus~~
25 ~~stopped on the highway shall stop the vehicle before reaching the schoolbus when~~
26 ~~there is in operation on the schoolbus the flashing red lights or the stop sign on the~~
27 ~~control arm specified in section 39-21-18, and the driver may not proceed until the~~
28 ~~schoolbus resumes motion, the driver is signaled by the schoolbus driver to proceed,~~
29 ~~or the flashing red lights and the stop sign on the control arm are no longer actuated.~~

30 ~~2. Every schoolbus must bear upon the front and rear thereof plainly visible signs~~
31 ~~containing the word "SCHOOLBUS" in letters not less than eight inches [20.32~~

centimeters] in height. When a schoolbus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or for a school-sanctioned activity, all markings thereon indicating "SCHOOLBUS" must be covered or concealed.

~~3. The operator of a schoolbus equipped with amber caution lights may activate those lights at a distance of not less than three hundred feet [91.44 meters] nor more than five hundred feet [152.4 meters] from the point where schoolchildren are to be received or discharged from the bus.~~

~~4. Every schoolbus must be equipped with a stop sign on a control arm and red visual signals meeting the requirements of section 39-21-18, which may only be actuated by the driver of the schoolbus whenever the vehicle is stopped on the highway to receive or discharge schoolchildren.~~

~~5. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a schoolbus which is on a different roadway or when upon a controlled-access highway and the schoolbus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.~~

~~6. Every schoolbus must bear on the rear of the bus a plainly visible sign containing the words "THIS SCHOOLBUS STOPS AT ALL RAILROAD CROSSINGS".~~

~~7. An individual who violates this section must be assessed a fee in the amount provided under section 39-06.1-06 for a first violation. For a second or subsequent violation within five years of the first violation, the individual is guilty of an infraction for which a minimum fine of seven hundred fifty dollars must be imposed.~~

~~**SECTION 5. AMENDMENT.** Section 39-10-46.1 of the North Dakota Century Code is amended and reenacted as follows:~~

~~**39-10-46.1. Permitting**Allowing use of vehicle to violate section 39-10-46 prohibited-
Presumption of permission -- Defense -- Dual prosecution prohibited -- Penalty.~~

~~1. The registered owner of a motor vehicle may not permit~~allow~~ that motor vehicle to be operated in violation of section 39-10-46.~~

- 1 ~~_____ a. If a motor vehicle is seen violating section 39-10-46, it is a disputable~~
2 ~~presumption that the registered owner of the motor vehicle permitted~~allowed ~~that~~
3 ~~violation.~~
- 4 ~~_____ b. A registered owner of a motor vehicle that violates this section must be assessed~~
5 ~~a fee in the amount provided under section 39-06.1-06 for a first violation. For a~~
6 ~~second or subsequent violation within five years of the first violation, the~~
7 ~~registered owner is guilty of an infraction for which a minimum fine of seven~~
8 ~~hundred fifty dollars must be imposed.~~
- 9 ~~_____ c. It is a defense to a charge of violating this section that the registered owner of the~~
10 ~~vehicle was not:~~
- 11 ~~_____ (1) Not operating the vehicle, if that registered owner identifies the person~~
12 ~~authorized by that owner to operate the motor vehicle at the time of the~~
13 ~~violation of section 39-10-46, or if that motor vehicle had been taken without~~
14 ~~the registered owner's permission; or~~
- 15 ~~_____ (2) A previous registered owner.~~
- 16 ~~_____ 2. A person may not be charged both with violating this section and with violating section~~
17 ~~39-10-46.~~
- 18 ~~_____ 3. Violation of this section is not a lesser included offense of violation of section~~
19 ~~39-10-46.~~

**REPORT OF STANDING COMMITTEE
HB 1294**

Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS** ([25.0128.02003](#)) and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1294 was placed on the Sixth order on the calendar.

2025 SENATE TRANSPORTATION

HB 1294

2025 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

HB 1294
3/13/2025

A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to the amount of fees for a moving violation.

9:28 a.m. Chairman Clemens opened the hearing.

Members present: Chairman Clemens, Vice Chairwoman Cory, Senator Hogan, Senator Klein, Senator Paulson, Senator Rummel

Discussion Topics:

- Data on drivers passing school buses
- Current fine and point amount
- Public awareness of existing law regarding school buses

9:29 a.m. Representative Novak, District 33, introduced HB 1294, testified in favor and submitted testimony #41285.

9:40 a.m. Frank Senn, Police Chief, City of Beulah Police Department, testified in favor.

Additional written testimony:

Molly Nelson submitted written testimony in favor #39995.

Troy Johnson, Location Manager, Harlows School Bus Service Inc, submitted written testimony in favor #41239.

9:49 a.m. Vice Chairwoman Cory closed the hearing.

Chance Anderson, Committee Clerk

My name is Molly Nelson, and I live in Hazen, North Dakota, where I work as a registered nurse at our local critical access hospital. My husband and I are the proud parents of two young boys. Bauer is 9 years old, and a third grader and Nash is 6 years old and in first grade.

Every morning at 7:27 am, Bauer and Nash cross highway 200 to get onto the school bus. Highway 200 is very well-traveled by both power plant workers and rural residents going to and from Hazen. Our home is on the south side of the highway, and the bus approaches from the east, which means my boys have to cross oncoming traffic to board the bus.

As a nurse, I've adjusted my work schedule to ensure I can help them watch for traffic and get across the highway safely every morning. While this gives me a sense of reassurance, it also fills me with deep fear as I have witnessed many vehicles passing the stopped bus and failing to stop in the oncoming lane, ignoring the flashing lights and extended stop arm. This is not just a violation of traffic laws; it's a threat to the lives of our children.

In November 2023, Mercer County Sherriff's Deputy Paul Martin pulled into our approach off Highway 200. Knowing ours is a busy stretch of highway, he kindly offered to monitor traffic for a few days to ensure Bauer and Nash could safely get on the bus. Tragically, Deputy Martin was killed in the line of duty less than one month later, on December 6th, 2023. I will forever be grateful to Deputy Martin for his awareness of the potential danger, his dedication to the safety of all children, and his kindness. However, the reality is that our law enforcement heroes cannot be at every bus stop.

Every year, children are injured or even killed in school bus-related accidents. Due to their developing nervous systems, children process information slower than adults, leading to slower reaction times. This, along with the ever-rising incidence of distracted driving and failure to follow school bus traffic laws, is a lethal combination.

House Bill 1294 proposes to increase the fee for violating school bus traffic safety laws. I believe that an increase in the monetary penalty for this violation will heighten awareness of the dangers of illegally passing a stopped bus and emphasize the importance of adherence to the law.

As a community, it is our duty to protect our children on their way to and from school. As a parent, I will continue to advocate for the safety of all children and work to raise awareness about the importance of following school bus traffic laws. Together, we can create a safer environment for our kids and honor the memory of those, like Deputy Martin, who dedicate their lives to our safety.

Your support of this bill helps ensure every child, including Bauer and Nash, get to and from school safely.

Thank you.

It is estimated that every year across America, over 9 million bus stop arm infractions take place.

A stop arm infraction is when a vehicle continues through or around a bus stopped in the middle of a city street or highway or county road, with its stop arm deployed and red lights flashing while students board or exit a school bus.

Harlows School Bus Inc, which operates in Bismarck/Mandan also manages and/or operates in 8 markets in ND and is the 5th largest School Bus Company in North America.

Harlows School Bus Inc in the US ALONE operates in

32 Locations,

In 3 Time Zones

In 5 states and throughout Canada

Transports 70,000 students DAILY just in the USA alone

9 MILLION times each year a bus loaded with students have reported a vehicle disregarding its stop arms and bright Red flashing lights that couldve caused the death of countless students in a split second. Just think about the number of times this happens DAILY that drivers dont report it, because it happens so frequently it becomes so common place, or white noise, and they get frustrated at the lack of concern for its potentially deadly outcome that they dont bother to report it because they know the vehicle or driver will be long gone before the police can do anything about it.

Some legislators have expressed concern over the amount of increase of the fine, that it would cause sticker shock to the constituents, but just think about the impact it would have on just ONE family and one driver, let alone the all the other students on board watching in horror who's lives would be destroyed forever at the death or injury of a student due to the inpatients of a selfish driver.

Just ONE incident of a student being hit would deplete the bus drivers in that town forever and have ripple effects across the entire State. It is already near impossible to find drivers who want to take on the responsibility of driving a big bus loaded with kids, whose lives are in their hands.

can you just imagine how just one student stop anywhere in the state could change the lives of countless families and completely decimate the entire bus driver fleet. Drivers near and far would stop driving immediately.

Typically, any truck driver or bus driver who is ever in an accident where a life is lost never sits behind the wheel of a semi or bus ever again because of the memory etched in their mind of the faces and scenes that fateful/deadly day and fellow co-workers are affected to the point that they stop driving as well.

It took many years and major increases in fines and jail time to impress upon drivers that they must move over or get pulled over to protect the lives our EMS/Firefighters/tow truck drivers and LAW Enforcement, I propose a concerted effort and media blitz across the state STOP for school buses anywhere anytime the school bus is stopped and Stop arm

Is deployed and Red Lights are flashing, Childrens Lives Depend on it.

Please increase the fines and punishment to match surrounding states such as MT or WY, to drive home the seriousness of the deadly consequences of driving through a stop arm on a bus. Sticker Shock is the least of anyones worries compared to life in prison for vehicular manslaughter.

Troy Johnson
Hazen Harlows
Location Manager



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Anna Novak

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1139 Elbowoods Drive
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COMMITTEES:

Education
Energy and Natural Resources (Vice Chair)

March 13, 2025

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

HB1294 is a simple bill, relating to passing a stopped school bus. It increases the first offense to a fine of \$250, up from \$100.

I introduced this bill on behalf of a constituent, Troy Johnson. 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 unable to be disputed. 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. 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.

A few of the people that testified in the House Transportation committee were unable to testify in person again today. Molly Nelson is one of those individuals. She did, however, recently submit her testimony online. She is a mother of two little boys that attend the same school my children do and is also a nurse at our local critical access hospital. As a nurse, I believe she brings a different perspective and I'd like to read a small portion of her testimony. She writes:

"Every year, children are injured or even killed in school bus-related accidents. Due to their developing nervous systems, children process information slower than adults, leading to slower reaction times. This, along with the ever-rising incidence of distracted driving and failure to follow school bus traffic laws, is a lethal combination."

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

LC# 25.9422.01000

January 2025

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.

2025 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

HB 1294
3/14/2025

A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to the amount of fees for a moving violation.

10:13 a.m. Chairman Clemens opened the hearing.

Members present: Chairman Clemens, Vice Chairwoman Cory, Senator Hogan, Senator Klein, Senator Paulson, Senator Rummel

Discussion Topics:

- Deterrence for moving violations regarding school buses

10:13 a.m. Chairman Clemens opened discussion to the committee for updates.

10:16 a.m. Senator Rummel moved a Do Pass.

10:16 a.m. Senator Klein seconded the motion.

Senators	Vote
Senator David A. Clemens	Y
Senator Claire Cory	Y
Senator Kathy Hogan	Y
Senator Jerry Klein	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motion passed 6-0-0.

Senator Rummel will carry the bill.

10:17 a.m. Chairman Clemens closed the hearing.

Chance Anderson, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1294 ([25.0128.04000](#))**

Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1294 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.