STATE OF NEW YORK

7905

2023-2024 Regular Sessions

IN ASSEMBLY

July 19, 2023

Introduced by M. of A. E. BROWN -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the passing of stopped school buses

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (a) of subdivision 20 of section 375 of the vehicle and traffic law, as separately amended by chapters 204 and 221 of the laws of 1976, is amended to read as follows:

(a) For each such omnibus having a seating capacity in excess of fifteen children, there shall be colored flashing signal lamps conforming to regulations prescribed by the commissioner on the front and on the rear thereof, including **at least one flashing yellow signal lamp on the front thereof and at least one flashing yellow signal lamp on the rear thereof and** at least one flashing red signal lamp on the front thereof and at least one flashing red signal lamp on the rear thereof. For each such omnibus having a seating capacity of not more than fifteen children, there shall be colored flashing signal lamps conforming to regulations prescribed by the commissioner facing the front and facing the rear thereof, and at least **one flashing yellow signal lamp facing the front thereof and at least one flashing yellow signal lamp facing the rear thereof and at least** one flashing red signal lamp facing the front thereof and at least one flashing red signal lamp facing the rear thereof. The driver of every such vehicle shall keep such red signal lamps lighted whenever passengers are being received or discharged or whenever he has stopped within fifty feet to the rear of a vehicle with such red signal lamps lighted, and shall light [~~all other~~] **the** required **flashing yellow** signal lamps, as a warning, prior to stopping to receive or discharge passengers in accordance with regulations prescribed by the commissioner.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD11883-01-3

§ 2. Subdivisions (a) and (c) of section 1174 of the vehicle and traffic law, subdivision (a) as amended by chapter 597 of the laws of 1990 and subdivision (c) as amended by chapter 254 of the laws of 2002, are amended and a new paragraph (e) is added to read as follows:

(a) The driver of a vehicle upon a public highway, street or private road upon meeting or overtaking from either direction any school bus marked and equipped as provided in subdivision twenty of section three hundred seventy-five of this chapter which has stopped on the public highway, street or private road for the purpose of receiving or discharging any passengers, or which has stopped because a school bus in front of it has stopped to receive or discharge any passengers, shall stop the vehicle before reaching such school bus when there is in operation on [~~said~~] **such** school bus **a flashing yellow signal lamp or** a red visual signal as specified in subdivision twenty of section three hundred seventy-five of this chapter and [~~said~~] **such** driver shall not proceed until such school bus resumes motion, or until signaled by the driver or a police officer to proceed. For the purposes of this section, and in addition to the provisions of section one hundred thirty-four of this chapter, the term "public highway" shall mean any area used for the parking of motor vehicles or used as a driveway located on the grounds of a school or of a board of cooperative educational services facility or any area used as a means of access to and egress from such school or facility.

(c) [~~Every person convicted of a violation of subdivision (a) of this section shall: for a first conviction thereof, be punished by a fine of not less than two hundred fifty dollars nor more than four hundred dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of three years, such person shall be punished by a fine of not less than six hundred dollars nor more than seven hundred fifty dollars or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of three years, such person shall be punished by a fine of not less than seven hundred fifty dollars nor more than one thousand dollars or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment.~~] **Within one hundred eighty days of the effective date of the chapter of the laws of two thousand twenty-three which amended this subdivision, the commissioner shall establish a method whereby any violation of this section shall be issued to the operator of the vehicle and not issued to the owner of such vehicle.**

(e) The provisions of this section shall not apply where there is a divided highway where there is a physical barrier, including, but not limited to, a creek, barrier or grassy mall between different directions of travel.

§ 3. This act shall take effect immediately.