

SB 703

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



# ENROLLED

SENATE BILL NO. 703

(By Senator REDD, ET AL)



PASSED MARCH 10, 1999

In Effect EVERY DAY FROM Passage

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OFFICE OF THE SECRETARY OF STATE

**ENROLLED**

**Senate Bill No. 703**

(BY SENATORS REDD, WOOTON, BALL, DITTMAR,  
HUNTER, MCCABE, MINARD, MITCHELL, OLIVERIO,  
ROSS, SNYDER, DEEM AND MCKENZIE)

[Passed March 10, 1999; in effect ninety days from passage.]

AN ACT to amend article one, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section sixty-four; and to amend article twelve of said chapter by adding thereto a new section, designated section seven-a, all relating to establishing safety requirements for certain vehicles used to transport children; defining "passenger van"; requiring certain warning signs and equipment on passenger vans; establishing requirements for motorists meeting or overtaking passenger vans; and establishing criminal penalties.

*Be it enacted by the Legislature of West Virginia:*

That article one, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section sixty-four; and that article twelve of said chapter be amended by adding thereto a new section, designated section seven-a, all to read as follows:

**ARTICLE 1. WORDS AND PHRASES DEFINED.****§17C-1-64. Passenger van.**

1 "Passenger van" means any van or other motor vehicle  
2 owned by any agency, business or other legal entity and  
3 operated for the purpose of transportation of children  
4 under the age of eighteen years, other than a van utilized  
5 for private use, taxicab, bus or school bus. Passenger vans  
6 include, but are not limited to, vehicles used by daycare  
7 centers, after-school centers and nursery schools.

**ARTICLE 12. SPECIAL STOPS REQUIRED.****§17C-12-7a. Signs and warning lights or alternative warning devices upon passenger vans; passing passenger van; criminal penalties.**

1 (a) Every passenger van used for the transportation of  
2 children, as defined in section sixty-four, article one of  
3 this chapter shall bear upon the front and rear thereof a  
4 plainly visible sign containing the warning "Caution:  
5 Loading and Unloading Passengers" in letters not less  
6 than six inches in height. Every such passenger van shall  
7 be equipped with either flashing warning signal lights as  
8 are contemplated and referred to in section eight of this  
9 article, or a red caution flag which the driver or some  
10 other adult must use by exiting the passenger van and  
11 displaying while assisting in the loading or unloading of  
12 passengers. Such vehicles may also be equipped with a  
13 white flashing strobotron warning light that meets the  
14 requirements set forth in subsection (e), section twenty-  
15 six, article fifteen of this chapter.

16 (b) The driver of a vehicle upon meeting or overtaking  
17 from any direction any passenger van which has stopped  
18 for the purpose of loading or unloading passengers shall  
19 stop his or her vehicle before reaching the passenger van  
20 when there is in operation on the passenger van flashing  
21 warning signal lights or when an adult is outside the  
22 passenger van with a red caution flag and assisting with  
23 the loading or unloading of passengers. The driver of a  
24 vehicle may not proceed until he or she is signaled by the  
25 passenger van driver to proceed, the passenger van flash-  
26 ing signal lights are no longer actuated, or the passenger

27 resumes motion. This section applies wherever the passen-  
28 ger van is loading or unloading children on any street,  
29 highway, parking lot, private road or driveway: *Provided,*  
30 That the driver of a vehicle upon a controlled access  
31 highway need not stop upon meeting or passing a passen-  
32 ger van which is on a different roadway or adjacent to the  
33 highway and where pedestrians are not permitted to cross  
34 the roadway. Any driver acting in violation of this  
35 subsection is guilty of a misdemeanor and, upon conviction  
36 thereof, shall be fined not less than fifty nor more than two  
37 hundred dollars, or imprisoned in the county or regional  
38 jail not more than six months, or both fined and impris-  
39 oned. If the identity of the driver cannot be ascertained,  
40 then any owner or lessee of the vehicle in violation of this  
41 subsection is guilty of a misdemeanor and, upon conviction  
42 thereof, shall be fined not less than twenty-five nor more  
43 than one hundred dollars: *Provided, however,* That the  
44 conviction may not subject the owner or lessee to further  
45 administrative or other penalties for the offense, notwith-  
46 standing other provisions of this code to the contrary.

A handwritten signature in cursive script, appearing to be "John H. ...", is written in dark ink below the main text.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Rep. Johnson*  
.....

Chairman Senate Committee

*Joe F. Smith*  
.....  
Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

*Donald E. Blase*  
.....  
Clerk of the Senate

*Bugsy D. Bond*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *above* this the *24th*

Day of *March*, 1999

*[Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/18/99

Time 11:14am