

A Bill for an Act Relating to School Buses.

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

SECTION 1. Section 291C-95, Hawaii Revised Statutes, is amended to read as follows:

“§291C-95 Overtaking and passing school bus. (a) Whenever a school bus is stopped on a highway or road in a residential area with its visual signals actuated as described in subsection (g) [of this section actuated], the driver of any motor vehicle on the same highway or road in a residential area in the lane occupied by the school bus and [the lane immediately] all lanes adjacent to the lane occupied by the school bus, regardless of the direction of traffic in [that lane,] those lanes, shall stop the driver’s vehicle [before reaching] not less than twenty feet from the school bus and shall not proceed until the school bus resumes motion [or] and the visual signals are turned off.

(b) Subsection (a) shall not apply to a vehicle when the school bus and the vehicle are on different roadways[.]; except that where a highway or road in a residential area has been divided into two or more lanes by an intervening space, a physical barrier, or a clearly indicated dividing section, subsection (a) shall apply to all drivers of motor vehicles in all lanes on the same side as a school bus which is stopped with visual signals actuated as required under subsection (c).

(c) The driver of the school bus shall actuate the visual signals described in subsection (g) only when the school bus is stopped for the purpose of receiving or discharging school children.

(d) The front and rear of every school bus shall be marked with the words “SCHOOL BUS” in plainly visible letters not less than eight inches in height and strokes not less than three-fourths of an inch in width.

(e) No vehicle, other than a school bus, shall display a “SCHOOL BUS” sign.

(f) When a school bus is being operated upon a highway for purposes other than as an incident to the transportation of children, all marking thereon indicating “SCHOOL BUS” shall be covered or concealed.

(g) The visual signals actuated as required under subsection (c) [to be actuated] shall consist of four red signal lamps meeting the following requirements:

- (1) Two lamps shall face forward and two shall face the rear;
- (2) The two forward lamps shall flash alternately and shall be mounted at the same level, but as high and as widely spaced as practical;
- (3) The two rear lamps shall flash alternately and shall be mounted at the same level but as high and as widely spaced as practical; and
- (4) Each of the lamps shall be of sufficient intensity as to be plainly visible at a distance of five hundred feet in normal sunlight and shall be capable of being actuated from the driver’s seat by a single switch.

(h) Any person who violates this section shall be fined not more than \$500 or sentenced to perform community service, or both.”

SECTION 2. Section 291C-161, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Except as provided in subsection (c) [of this section,] every person who violates any provision of this chapter for which another penalty is not provided[,] shall be fined:

- (1) Not more than \$200 for a first conviction thereof;
- (2) Not more than \$300 for conviction of a second offense committed within one year after the date of the first offense; and
- (3) Not more than \$500 for conviction of a third or subsequent offense committed within one year after the date of the first offense;

provided that upon a conviction for a violation of section 291C-12, 291C-12.5, [or] 291C-12.6, or 291C-95, the person shall be sentenced in accordance with that section.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved July 20, 1998.)