

SUBJECT: Increasing penalties for illegally passing a stopped school bus

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 8 ayes — Pickett, Fletcher, Dale, Flynn, Kleinschmidt, Lavender, Sheets, Simmons

0 nays

1 absent — Cortez

WITNESSES: For — Jesus Chavez, Round Rock Independent School District

Against — None

On — (*Registered, but did not testify:* Rebecca Rocha, Texas Department of Public Safety)

BACKGROUND: Transportation Code, sec. 545.066, prohibits a driver from passing a stopped school bus loading or unloading children. The penalty for violators is a fine of not less than \$200 and not more than \$1,000.

DIGEST: HB 1174 would amend Transportation Code, sec. 545.066 and make the penalties for a misdemeanor offense of passing a stopped school bus loading or unloading children not less than \$500 or more than \$1,250. It would add to the list of penalties for a misdemeanor offense and would create a fine of not less than \$1,000 nor more than \$2,000 if the person is convicted of a second or subsequent violation within five years of the previous offense.

The bill would take effect September 1, 2013.

SUPPORTERS SAY: Raising the penalty a person would pay for driving past a stopped school bus that was loading or unloading passengers would help protect children and deter reckless driving.

The state’s penalties have not been doing enough to help prevent this form of dangerous driving. Last year, 8,669 out of 10,855 Texas school bus

drivers who participated in a one-day survey of driving behavior said they witnessed a driver passing their bus while children were boarding or exiting their bus, according to the National Association of State Directors of Pupil Transportation Services. Too often, these alarming conditions become apparent only when someone is touched by tragedy.

HB 1174 also would add much-needed penalties for a driver who had not learned to obey the law and did not value the safety of children. Current law allows the suspension of a license that does not exceed six months for a second or subsequent offense. The bill would provide for a fine, which would be a more effective way to deal with someone who repeatedly drives past school buses that are clearly marked to prohibit such behavior.

**OPPONENTS
SAY:**

HB 1174 would impose too high a fine on motorists who might not be aware of the change in law. For a fine to be a deterrent, the public must be cognizant of what punishments lay ahead if they proceed to break the law. The bill would not include any public education component about the change in the law and its associated fines.