

The Senate Education Committee offered the following substitute to HB 1179:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to crimes
2 against the person, so as to establish greater penalties for simple assault and simple battery
3 when the victim of such an offense is a public school employee engaged in official duties or
4 on school property; to provide a definition of school property for such offenses and battery;
5 to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
6 elementary and secondary schools, so as to provide that the offense of disrupting the
7 operation of a public school applies to disruption of public school buses and certain public
8 school bus stops; to provide for mandatory training of school bus drivers; to provide for a
9 short title; to provide for policies and procedures regarding the operation of school buses; to
10 require school buses to adhere to published times; to amend Title 40 of the Official Code of
11 Georgia Annotated, relating to motor vehicles and traffic, so as to change the equipment
12 required on school buses; to provide for certain procedures to be followed by school bus
13 drivers; to provide for effective dates and applicability; to repeal conflicting laws; and for
14 other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1.

18 Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to crimes against
19 the person, is amended in Code Section 16-5-20, relating to simple assault, by inserting a
20 new subsection to be designated subsection (f) to read as follows:

21 "(f) Any person who commits the offense of simple assault against an employee of a public
22 school system of this state while such employee is engaged in official duties or on school
23 property shall, upon conviction of such offense, be punished for a misdemeanor of a high
24 and aggravated nature. For purposes of this Code section, 'school property' shall include

1 public school buses and stops for public school buses as designated by local school boards
2 of education."

3 SECTION 2.

4 Said chapter is further amended in Code Section 16-5-23, relating to simple battery, by
5 inserting a new subsection to be designated subsection (i) to read as follows:

6 "(i) Any person who commits the offense of simple battery against an employee of a public
7 school system of this state while such employee is engaged in official duties or on school
8 property shall, upon conviction of such offense, be punished for a misdemeanor of a high
9 and aggravated nature. For purposes of this Code section, 'school property' shall include
10 public school buses and stops for public school buses as designated by local school boards
11 of education."

12 SECTION 3.

13 Said chapter is further amended in Code Section 16-5-23.1, relating to battery, by striking
14 subsection (i) and inserting in lieu thereof the following:

15 "(i) Any person who commits the offense of battery against a teacher or other school
16 personnel; engaged in the performance of official duties or while on school property shall,
17 upon conviction thereof, be punished by imprisonment for not less than one nor more than
18 five years or a fine of not more than \$10,000.00, or both. For purposes of this Code
19 section, 'school property' shall include public school buses and public school bus stops as
20 designated by local school boards of education."

21 SECTION 4.

22 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
23 secondary schools, is amended by striking Code Section 20-2-1181, relating to disruption of
24 public schools, and inserting in lieu thereof the following:

25 "20-2-1181.

26 It shall be unlawful for any person to disrupt or interfere with the operation of any public
27 school, public school bus, or public school bus stop as designated by local school boards
28 of education. Any person violating this Code section shall be guilty of a misdemeanor of
29 a high and aggravated nature."

1 20-2-1127.

2 Each public school system in this state shall make accessible a schedule of school bus
3 routes that indicate the morning pickup route beginning time and the afternoon school bell
4 time as well as the total number of stops on each school bus route. The time for the bus
5 arrival at each stop will be commensurate with the route beginning time and prescribed
6 stop sequence, except in unforeseen circumstances. This provision shall not apply to
7 portal-to-portal special needs student transportation or special alternative instructional
8 transportation programs."

9 **SECTION 7.**

10 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
11 amended by adding a new Code Section 40-6-165 to read as follows:

12 "40-6-165.

13 (a) Prior to moving a school bus from a stop at which passengers have been loaded or
14 unloaded, the driver of the bus shall check all mirrors to ensure that it is safe to place the
15 bus in motion.

16 (b) Prior to loading or unloading passengers from a school bus, the driver shall engage the
17 parking brakes of the bus and shall not release such brakes until each passenger boarding
18 the bus is on board and until each passenger disembarking from the bus is off the roadway
19 and safely on the pedestrian areas of the roadway.

20 (c) Prior to loading or unloading passengers from a school bus, the driver shall display the
21 stop arm on the bus and shall not retract the stop arm until each passenger boarding the bus
22 is on board and until each passenger disembarking from the bus is off the roadway and
23 safely on the pedestrian areas of the roadway.

24 (d) The driver of a school bus shall not use or operate a cellular telephone or two-way
25 radio while loading or unloading passengers.

26 (e) The driver of a school bus shall not use or operate a cellular telephone while the bus
27 is in motion.

28 (f) The driver of a school bus shall instruct all passengers exiting the bus of the proper
29 procedures of crossing the roadway in front of the bus only.

30 (g) The driver of a school bus shall ensure that the red flasher lights on the bus remain
31 illuminated and flashing until all passengers have boarded or have exited the bus and have
32 safely crossed the roadway and are safely on the pedestrian areas of the roadway.

33 (h) The driver of a school bus shall extend the extension arm or gate on the front of the bus
34 until all passengers have boarded or have exited the bus and have safely crossed the
35 roadway and are safely on the pedestrian areas of the roadway."

SECTION 8.

Said title is further amended by striking Code Section 40-8-111, relating to school bus equipment generally, and inserting in lieu thereof a new Code Section 40-8-111 to read as follows:

"40-8-111.

(a) ~~Every bus used for the transportation of school children shall be equipped as follows:~~
Each school bus used for the transportation of school children in the State of Georgia shall be in compliance with the State Board of Education bus specifications for the model year of such school bus.

~~(1) There shall be an emergency door located either at the rear of the body or at the side of the body opposite from the side on which the students normally board, so as to provide an emergency exit. The emergency door shall be operative from both the interior and exterior of the bus at all times;~~

~~(2) The driver's seat shall be equipped with a seat belt which shall be fastened so as to secure the driver in his seat at all times when children are being transported on the bus;~~

~~(3) Combination clearance and marker lights shall be installed at each of the four roof corners. The two such lights on the front of the vehicle shall be amber in color, and the two such lights on the rear of the vehicle shall be red in color. A cluster of three lights shall be mounted between the clearance and marker lights in the front and in the rear of the bus at the roof line thereof;~~

~~(4) The body of the bus shall be equipped with four hooded or recessed red flasher lights. Such lights shall be at least 5 3/4 inches in diameter, sealed beam, and must flash when the bus is stopped to receive or discharge passengers. Two such lights shall be mounted in the front of the body above the windshield, and two such lights shall be mounted on the rear of the body above the rear windows;~~

~~(5) There shall be installed on the left outer side of the body a stop arm to give notice to drivers of other vehicles that the bus is making a stop. The requirement for a stop arm may be waived by the State Board of Education in the event a more effective warning device is prescribed;~~

~~(6) The exhaust system of the bus shall carry exhaust gases from the engine to a discharge point into the atmosphere, which point:~~

~~(A) Shall extend beyond the rear axle and shall extend at least five inches beyond the chassis frame and be mounted outside the chassis rail at end point; or~~

~~(B) May extend to, but not beyond, the body limits on the left side of the bus, beyond the driver's compartment outboard of the chassis centerline;~~

1 ~~(7) All floor joints of the bus shall be gas tight and constructed so as to prevent the entry~~
 2 ~~of engine exhaust gases into the passenger compartment. Any opening or separation of~~
 3 ~~joints in the floor shall be repaired before the bus is used for the transportation of~~
 4 ~~children; and~~

5 ~~(8) There shall be installed an outside roof mounted white flashing strobe light with clear~~
 6 ~~lens emitting light 360 degrees around its vertical axis. Such strobe light shall be no~~
 7 ~~greater than one-third the distance from the rear of the bus to the front of the bus and shall~~
 8 ~~flash when the bus is stopped to receive or discharge passengers. Local boards of~~
 9 ~~education shall be authorized, in their discretion, to require such strobe lights on buses~~
 10 ~~carrying special education passengers.~~

11 (b) Each public school system shall be required to maintain each of its school buses in
 12 good working condition, including all safety equipment required in accordance with the
 13 specifications established pursuant to subsection (a) of this Code section.

14 ~~(b)(c)~~ (c) Nothing in subsection (a) of this Code section shall apply to motor vehicles operated
 15 by a local transit system which transport school children to and from school on regular or
 16 scheduled routes of a transit vehicle with regular fare-paying passengers."

17 **PART III**

18 **SECTION 9.**

19 (a) Except as provided in subsection (b) of this section, this Act shall become effective on
 20 July 1, 2004.

21 (b) Part I of this Act shall become effective on July 1, 2004, and shall apply to offenses
 22 committed on or after such date.

23 **SECTION 10.**

24 All laws and parts of laws in conflict with this Act are repealed.