

SENATE 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 require that the photographs of certain persons convicted of stalking and aggravated
6 stalking offenses shall be published in the legal organ of the county in which such person is
7 convicted; to require that the photographs of certain persons convicted of certain assaults
8 and batteries involving family violence shall be published in the legal organ of the county
9 in which such person is convicted; to amend Chapter 2 of Title 20 of the Official Code of
10 Georgia Annotated, relating to elementary and secondary schools, so as to provide that the
11 offense of disrupting the operation of a public school applies to disruption of public school
12 buses and certain public school bus stops; to provide for mandatory training of school bus
13 drivers; to provide for a short title; to provide for policies and procedures regarding the
14 operation of school buses; to require school buses to adhere to published times; to amend
15 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so
16 as to change the equipment required on school buses; to provide for certain procedures to be
17 followed by school bus drivers; to provide for effective dates and applicability; to repeal
18 conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1.

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

1 in the legal organ of the county in which the person was convicted. Such notice of
2 conviction shall be one column wide by two inches long and shall contain the photograph
3 taken by the arresting law enforcement agency at the time of arrest, the name and address
4 of the convicted person, and the date, time, place of arrest, and disposition of the case and
5 shall be published once in the legal organ of the appropriate county in the second week
6 following such conviction or as soon thereafter as publication may be made.

7 (b) The convicted person for which a notice of conviction is published pursuant to this
8 Code section shall be assessed \$25.00 for the cost of publication of such notice and such
9 assessment shall be imposed at the time of conviction in addition to any other fine imposed.

10 (c) The clerk of the court, the publisher of any legal organ which publishes a notice of
11 conviction, and any other person involved in the publication of an erroneous notice of
12 conviction shall be immune from civil or criminal liability for such erroneous publication,
13 provided that such publication was made in good faith.”

14 **SECTION 3B.**

15 Said chapter is further amended by adding a new Code section to read as follows:

16 “16-5-96.

17 (a) The clerk of the court in which a person is convicted of a second or subsequent
18 violation of Code Section 16-5-90 or 16-5-91 shall cause to be published a notice of
19 conviction for such person. Such notice of conviction shall be published in the manner of
20 legal notices in the legal organ of the county in which such person resides or, in the case
21 of nonresidents, in the legal organ of the county in which the person was convicted. Such
22 notice of conviction shall be one column wide by two inches long and shall contain the
23 photograph taken by the arresting law enforcement agency at the time of arrest, the name
24 and address of the convicted person, and the date, time, place of arrest, and disposition of
25 the case and shall be published once in the legal organ of the appropriate county in the
26 second week following such conviction or as soon thereafter as publication may be made.

27 (b) The convicted person for which a notice of conviction is published pursuant to this
28 Code section shall be assessed \$25.00 for the cost of publication of such notice and such
29 assessment shall be imposed at the time of conviction in addition to any other fine imposed.

30 (c) The clerk of the court, the publisher of any legal organ which publishes a notice of
31 conviction, and any other person involved in the publication of an erroneous notice of
32 conviction shall be immune from civil or criminal liability for such erroneous publication,
33 provided that such publication was made in good faith.”

1 that such policies and procedures are amended during the school year, such amended
 2 policies and procedures shall be provided to all persons employed by the school system as
 3 school bus drivers and, each such person shall acknowledge in writing that he or she has
 4 received a copy of and has read and understands such amended policies and procedures.

5 (b) At the beginning of each school year, each public school system in this state shall
 6 provide each of its students with a copy of the school system's code of conduct as required
 7 by Code Section 20-2-736. In the event such code of conduct is amended during the school
 8 year, the school system shall provide copies of such amendments to the students. The
 9 receipt of such student code of conduct shall be acknowledged in writing by a parent or
 10 guardian of each student.

11 20-2-1127.

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

19 SECTION 7.

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

22 "40-6-165.

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

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

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

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

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

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

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

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

13 SECTION 8.

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

17 "40-8-111.

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

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

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

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

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

1 in the front of the body above the windshield, and two such lights shall be mounted on
2 the rear of the body above the rear windows;

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

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

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

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

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

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

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

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

29 PART III

30 SECTION 9.

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

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

SECTION 10.

1
2 All laws and parts of laws in conflict with this Act are repealed.