

STOPPING FOR SCHOOL AND OTHER BUSES TRANSPORTING CHILDREN (or senior citizens). G.S. § 20-217.

NOTE WELL: The amendments to G.S. § 20-217, ratified July 11, 2005, are reflected in this instruction. The ratified act provides that it "becomes effective September 1, 2005, and applies to offenses committed on or after that date." For offenses occurring and causes of action arising before September 1, 2005, use N.C.P.I.--Civil 218.10.

A school bus is [a public school bus which is transporting children or school personnel] [a public school bus which is transporting senior citizens by arrangement with [name local governing authority¹]] [a privately owned bus which is transporting children] and which bears upon the front and rear of the bus a plainly visible sign containing the words 'school bus.'

The motor vehicle law provides that when a school bus on a public [street] [highway] [public vehicular area] is displaying its mechanical stop signal or flashing red lights and is stopped for the purpose of receiving or discharging passengers, then every driver of any other vehicle approaching the bus from any direction on the same [street] [highway] [public vehicular area] must bring his vehicle to a full stop² and shall remain stopped and shall not proceed to move, or pass or attempt to pass, the school bus until

¹See G.S. § 115C-243.

²The statute provides that it does not apply "to the driver of a vehicle traveling in the opposite direction from the school bus, upon any road, highway or city street that has been divided into two roadways, so constructed as to separate vehicular traffic between the two roadways by an intervening space (including a center lane for left turns if the roadway consists of a least four lanes) or by a physical barrier, [and said driver therefore] need not stop upon meeting or passing any school bus that has stopped in the roadway across the dividing space or physical barrier." See *Holden v. Moore*, 22 N.C. App. 134, 138, 205 S.E.2d 732, 734 (1974) (citing G.S. § 20-217).

STOPPING FOR SCHOOL AND OTHER BUSES TRANSPORTING CHILDREN (or senior citizens). G.S. § 20-217. (Continued).

after the mechanical stop signal has been withdrawn, the flashing red stoplights have been turned off, and the bus has started to move.

A violation of this law is negligence within itself.³

³See *Morgan v. Coach Co.*, 225 N.C. 668, 672, 36 S.E.2d 263, 265 (1945) (violation of statutory duty to stop vehicle until passengers on school bus, stopped on highway, are discharged, school bus stop signal has been withdrawn, or such bus has moved on, is negligence per se); see also *Spurlock v. Alexander*, 121 N.C. App. 668, 671, 468 S.E.2d 499, 501 (1996) ("a statute or ordinance designed for the protection of the public is a 'safety' enactment and its violation constitutes negligence per se")."