

270.75 PASSING STOPPED SCHOOL BUS. MISDEMEANOR.

The defendant has been charged with passing a stopped school bus.

For you to find the defendant guilty of this offense, the State must prove five things beyond a reasonable doubt:

First, that a school bus¹ was being operated on a [street] [highway] [public vehicular area].²

Second, that the school bus bore upon its front and rear a plainly visible sign containing the words "school bus."

Third, that this school bus was [displaying an activated or extended mechanical stop sign] [flashing its red stoplights] and was stopped for the purpose of receiving or discharging passengers.

Fourth, that the defendant was the driver of a vehicle approaching this school bus on the same [street] [highway] [public vehicular area].

And Fifth, that this vehicle [moved] [[passed] [attempted to pass] the school bus] before [its mechanical stop signal had been withdrawn] [the flashing red stoplights had been turned off] and the school bus had started to move.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date a school bus was being operated on a [street] [highway] [public vehicular area], that it bore upon its front and rear a plainly visible sign containing the words "school bus," that this school bus was [displaying an activated or extended mechanical stop sign] [flashing its red stoplights] and was stopped for the purpose of discharging or receiving passengers, that a vehicle being operated by the defendant approached this school bus on the same [street] [highway] [public vehicular area] and that the vehicle [moved] [[passed] [attempted to pass] this school bus] before [its mechanical stop signal had been withdrawn] [the flashing red stoplights

had been turned off] and the school bus had started to move, it would be your duty to return a verdict of guilty. If you do not so find, or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. School bus includes public school buses transporting children or school personnel, privately owned buses transporting children, and public school buses transporting elderly persons under G.S. § 115-182.1.

2. G.S. 20-217(c) provides that the driver of the vehicle traveling in the opposite direction from the school bus, upon any road, highway or 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 at least four more lanes) or by a physical barrier, need not stop upon meeting and passing any school bus that has stopped in the roadway across the dividing space or physical barrier.”