

218.10 STOPPING FOR SCHOOL AND OTHER BUSES TRANSPORTING
CHILDREN (OR SENIOR CITIZENS).

NOTE WELL: This instruction should be used for offenses occurring prior to September 1, 2005, as the amendments to N.C. Gen. Stat. § 20-217, ratified July 11, 2005, are not 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 on or after September 1, 2005, use N.C.P.I.-Civil 218.11.

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 authority*¹]] [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" in letters not less than eight inches in height.

The motor vehicle law provides that when a school bus on a public [road] [highway] [street]² is displaying its mechanical stop signal and is stopped for the purpose of receiving or discharging passengers, then every operator of a vehicle approaching the bus from any direction on the same [road] [highway] [street]³ must come to a full stop before passing or attempting to pass the bus and must remain stopped until the mechanical stop signal has been withdrawn or the bus has moved on.

A violation of this law is negligence within itself.⁴

1. See N.C. Gen. Stat. § 115C-243.

2. This statute does not cover "public vehicular areas."

3. The statute provides that it does not apply to "the driver of a vehicle traveling in

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the opposite direction from the school bus, upon any road, highway or street which 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 . . . upon meeting or passing any such bus which has stopped in the roadway across such diving space or physical barrier." See *Holden v. Moore*, 22 N.C. App. 134, 138, 205 S.E.2d 732, 734 (1974) (citing N.C. Gen. Stat. § 20-217).

4. See *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* . . .").