

## [Tenn. Code Ann. § 55-8-151](#)

Current through Chapter 142, as well as Chapters 144 through 249 and Chapters 251 through 318 and Chapters 320 through 420 of the 2023 Regular Session. The commission may make editorial changes to this version and may relocate or redesignate text. Those changes will appear on Lexis Advance after the publication of the certified volumes and supplements. Pursuant to TCA sections 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code. Until the annual issuance of the certified volumes and supplements, references to the updates made by the most recent legislative session should be to the Public Chapter and not TCA.

***TN - Tennessee Code Annotated > Title 55 Motor and Other Vehicles > Chapter 8 Operation of Vehicles — Rules of the Road > Part 1 Operation of Vehicles — Rules of the Road***

### **55-8-151. Overtaking and passing school, youth or church bus — Markings — Discharging passengers — Penalties — Installation of cameras on school buses. [Effective on July 1, 2023. See the version effective until July 1, 2023.]**

(a)

(1) The driver of a vehicle upon a highway, upon meeting or overtaking from either direction any school bus that has stopped on the highway for the purpose of receiving or discharging any school children, shall stop the vehicle before reaching the school bus, and the driver shall not proceed until the school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated. Subsection (a) shall also apply to a school bus with lights flashing and stop sign extended and marked in accordance with this subsection (a) that is stopped upon property owned, operated, or used by a school or educational institution, if the bus is stopped for the purpose of receiving or discharging any school children outside a protected loading zone.

(2) All motor vehicles used in transporting school children to and from school in this state are required to be distinctly marked “School Bus” on the front and rear thereof in letters of not less than six inches (6”) in height, and so plainly written or printed and so arranged as to be legible to persons approaching the school bus, whether traveling in the same or opposite direction.

(3)

(A) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus that is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone that is a part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway.

(B) For the purpose of this subsection (a), “separate roadways” means roadways divided by an intervening space that is not suitable to vehicular traffic.

(4) Except as otherwise provided by subdivisions (a)(1)-(3), the school bus driver is required to stop the school bus on the right-hand side of the road or highway, and the driver shall cause the bus to remain stationary and the visual stop signs on the bus actuated, until all school children who should be discharged from the bus have been so discharged and until all children whose destination causes them to cross the road or highway at that place have negotiated the crossing.

(5)

(A) It is a Class C misdemeanor for a person to fail to comply with any provision of this subsection (a) other than the requirement that a motor vehicle stop upon approaching a school bus.

**(B)** It is a Class A misdemeanor punishable only by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) for a person to fail to comply with the provision of this subsection (a) requiring a motor vehicle to stop upon approaching a school bus; except, that a second or subsequent violation of subdivision (a)(1) is a Class A misdemeanor punishable only by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

**(C)** A person who violates subdivision (a)(1) and strikes another person with a vehicle, commits a Class E felony; provided, that the person commits a Class C felony if the striking results in the death of the other person.

**(6)** Subdivisions (a)(1)-(5) shall not be applicable to the vehicles of street railway companies, as defined in § 65-16-101 [repealed], while those vehicles are being used for the transportation of school children within a municipality or its environs in the area over which a municipality or a municipal regulatory agency has regulatory jurisdiction under § 65-16-101 [repealed].

**(b)** Local education agencies (LEAs) are authorized to display a sticker on the rear of school buses directing drivers to remain at a distance of at least one hundred feet (100') while the bus is in motion, except when lawfully overtaking and passing the school bus. The department of safety shall develop uniform standards for the stickers.

**(c)**

**(1)** A local education agency (LEA) may purchase, install, operate, and maintain cameras on the exterior of school buses, or may enter into a contract with a private vendor to purchase, install, operate, and maintain cameras on the exterior of school buses, whether owned, contracted, or leased by the LEA, and provide other services related to violations of subdivision (a)(1), on behalf of the LEA, for the purpose of recording images of motor vehicles that are in violation of subdivision (a)(1) for failing to stop upon approaching a school bus.

**(2)** An LEA that installs cameras on the exterior of school buses in accordance with subdivision (c)(1) shall enter into a memorandum of understanding with local law enforcement that includes, but is not limited to, the review of evidence from a camera and overall enforcement. Only POST-certified or state-commissioned law enforcement officers, including school resource officers, as defined in [§ 49-6-4202](#), are authorized to review evidence from a camera to determine whether a violation of subdivision (a)(1) has occurred.

**(3)**

**(A)** In lieu of prosecution for an offense under subdivision (a)(5)(B), where evidence of the offense is based solely from a camera that has been installed on the exterior of a school bus, a person may be issued a notice of violation or citation; however, this subdivision (c)(3)(A) does not preclude the state from prosecuting an offense under subdivision (a)(5)(B), where evidence of the offense is based solely from such camera if the state meets the burden of proof set out in [§ 39-11-201](#).

**(B)** A notice of violation or citation issued for a violation of subdivision (a)(1) that is based solely upon evidence from a camera that has been installed on the exterior of a school bus is considered a nonmoving traffic violation.

**(C)** The registered owner of the motor vehicle is responsible for payment of a notice of violation or citation; provided, that the owner is not responsible for the violation if the owner submits documentation in accordance with [§ 55-8-198\(e\)](#).

**(D)** The fine for a first notice of violation or citation under this subdivision (c)(3) is two hundred fifty dollars (\$250), and the fine for a second or subsequent notice of violation or citation is five hundred dollars (\$500).

**(4)**

**(A)** Notices of violations or citations must be sent in accordance with [§ 55-8-198\(b\)\(1\)](#) to the registered owner of the vehicle that was captured by the camera.

- (B)** Photographs or video produced by a camera that has been installed on the exterior of a school bus are prima facie evidence that the vehicle described in the citation was operated in violation of subdivision (a)(1). Photographs or video produced by a camera that has been installed on the exterior of a school bus, together with proof that the defendant was the registered owner of the vehicle at the time of the violation, create an inference that the owner of the vehicle was the driver of the vehicle at the time of the alleged violation. The inference may be rebutted if the owner of the vehicle submits documentation in accordance with § 55-8-198(e).
- (C)** A citation based solely upon evidence obtained from a camera that has been installed on the exterior of a school bus is deemed invalid if the registration information of the motor vehicle for which the citation is issued is not consistent with the evidence recorded by the camera.
- (5)** For a violation of subdivision (a)(1), there is a presumption that the photographs or video produced by a camera that has been installed on the exterior of a school bus provide evidence that the school bus was stopped for the purpose of receiving or discharging school children.
- (6)** Photographs or video produced by a camera that has been installed on the exterior of a school bus depicting a violation of subdivision (a)(1) must be made available for inspection in any proceeding in which the citation or violation is being contested.
- (7)** The notice of violation or citation must include:
- (A)** The date, location, and time of the alleged violation;
  - (B)** The amount of the fine being assessed;
  - (C)** The means by which the owner may elect to shift responsibility for the payment of the citation to the operator of the vehicle at the time of the alleged violation pursuant to § 55-8-198(e); and
  - (D)** Information detailing the process for contesting the citation, including the applicable court having jurisdiction.
- (8)**
- (A)** One hundred percent (100%) of the proceeds from any fine imposed under this section that is based solely upon evidence obtained from a camera installed on the exterior of a school bus must be allocated to the LEA without being designated for any particular purpose.
  - (B)**
    - (i)** The LEA may use the proceeds for the purpose of defraying the costs of purchasing, installing, operating, or maintaining the camera, or reimbursing or compensating the vendor with which the LEA contracted regarding the purchase, installation, operation, or maintenance of the camera, the provision of other services related to violations of subdivision (a)(1), or reimbursement to law enforcement for costs related to review and enforcement of violations of subsection (a)(1) allowable under the law.
    - (ii)** If the LEA uses the proceeds for the purpose of reimbursing or compensating a vendor with which the LEA contracted regarding the purchase, installation, operation, or maintenance of the camera, or the provision of other services, then the LEA shall create procedures for such reimbursement or compensation and shall maintain records of the reimbursement or compensation.
- (9)** No more than one (1) citation shall be issued for each distinct and separate traffic offense in violation of subdivision (a)(1) or a municipal ordinance or law that mirrors, substantially duplicates, or incorporates by cross-reference the language of subdivision (a)(1).
- (10)** Any LEA that contracts for transportation services with any persons or entities that own school buses, shall include in each contract a provision requiring the owner to allow the LEA, private vendor, or local law enforcement agency reasonable access to the bus for the purposes of installing,

maintaining, or inspecting cameras or obtaining, gathering, or transmitting recorded images from the camera to enforce subdivision (a)(1).

**(11)** Any photograph or video recorded by a camera in accordance with this subsection (c) is admissible as evidence in any proceeding alleging a violation of subsection (a) if the photograph or video meets the standards of admissibility set forth in the Tennessee Rules of Evidence.

**(12)** As used in this subsection (c):

**(A)** "Camera" means any device that is capable of:

**(i)** Producing a digital photograph, recorded video, or other recorded image, including an image of a motor vehicle passing or overtaking a school bus and the vehicle's license plate; and

**(ii)** Recording the time, date, and location of a vehicle at the time the image is recorded;

**(B)** "Local education agency" or "LEA" means the same as defined by [§ 49-1-103](#); and

**(C)** "School bus" means every motor vehicle owned by a county, city, local board of education, LEA, or private contractor that is operated for the transportation of students to or from any public school or public school-related activities.

**(d)**

**(1)**

**(A)** The driver of a vehicle on a highway upon meeting or overtaking from either direction any church bus which has stopped on the highway for the purpose of receiving or discharging passengers shall stop the vehicle before reaching the church bus, and the driver shall not proceed until the church bus resumes motion or is signaled by the church bus driver to proceed or the visual signals on the bus are no longer actuated.

**(B)** This subsection (d) shall not apply unless the church bus has the same type of safety equipment indicating the bus has stopped as is required for school buses.

**(2)** All motor vehicles used in transporting passengers to and from churches in this state are required to be distinctly marked "Church Bus" on the front and rear thereof in letters of not less than six inches (6") in height and so plainly written or printed and so arranged as to be legible to persons approaching the church bus, whether traveling in the same or the opposite direction.

**(3)**

**(A)** The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus which is on a different roadway or when upon a controlled access highway and the church bus is stopped in a loading zone that is a part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway.

**(B)** For the purpose of subdivision (d)(3)(A), "separate roadways" means roadways divided by an intervening space that is not suitable to vehicular traffic.

**(4)** Except as otherwise provided by this subsection (d), the church bus driver is required to stop the church bus on the right-hand side of the road or highway, and the driver shall cause the bus to remain stationary and the visual stop signs on the bus actuated until all passengers who should be discharged from the bus have been so discharged and until all passengers whose destination causes them to cross the road or highway at that place have negotiated the crossing.

**(5)** Any person failing to comply with the requirements of this subsection (d), requiring motor vehicles to stop upon approaching church buses, or violating any of this subsection (d), commits a Class C misdemeanor.

**(e)**

**(1)**

**(A)** The driver of a vehicle on a highway upon meeting or overtaking from either direction any youth bus that has stopped on the highway for the purpose of receiving or discharging passengers shall stop the vehicle before reaching the youth bus, and the driver shall not proceed until the youth bus resumes motion or is signaled by the youth bus driver to proceed or the visual signals on the bus are no longer actuated.

**(B)** Subdivision (e)(1)(A) shall not apply unless the youth bus has the same type of safety equipment indicating the bus has stopped as is required for school buses.

**(2)** All motor vehicles owned by corporations or organizations used in transporting child passengers to and from child care centers in this state or to and from the activities of religious, charitable, scientific, educational, youth service or athletic institutions or organizations are required to be distinctly marked "Youth Bus" on the front and rear thereof in letters of not less than six inches (6") in height and so plainly written or printed and so arranged as to be legible to persons approaching such youth bus, whether traveling in the same or the opposite direction.

**(3)**

**(A)** The driver of a vehicle upon a highway with separate roadways needs not stop upon meeting or passing a youth bus that is on a different roadway or when upon a controlled access highway and the youth bus is stopped in a loading zone that is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

**(B)** For the purpose of subdivision (e)(3)(A), "separate roadways" means roadways divided by an intervening space that is not suitable to vehicular traffic.

**(4)** Except as otherwise provided by this subsection (e), the youth bus driver is required to stop the youth bus on the right-hand side of the road or highway, and the driver shall cause the bus to remain stationary and the visual stop signs on the bus actuated until all passengers who should be discharged from the bus have been so discharged and until all passengers whose destination causes them to cross the road or highway at that place have negotiated the crossing.

**(5)** Any person failing to comply with the requirements of this subsection (e), requiring motor vehicles to stop upon approaching youth buses, or violating any of this subsection (e), commits a Class C misdemeanor.

**(6)** For purposes of this subsection (e), a "youth bus" means a motor vehicle designed for carrying not less than fifteen (15) passengers and used for the transportation of persons.

## History

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Acts 1937, ch. 70, §§ 1-3; C. Supp. 1950, §§ 2715.6-2715.8 (Williams, §§ 2715.11-2715.13); Acts 1955, ch. 329, § 50; 1957, ch. 27, § 1; 1959, ch. 39, § 1; 1961, ch. 171, § 1; 1973, ch. 22, §§ 1-4; T.C.A. (orig. ed.), § 59-851; Acts 1987, ch. 360, § 1; [1989, ch. 591, § 113](#); [1997, ch. 322, § 1](#); [1998, ch. 753, § 1](#); [2000, ch. 663, § 1](#); [2006, ch. 825, § 1](#); [2019, ch. 418, § 1](#); [2022, ch. 792, § 1](#); [2023, ch. 179, §§ 1, 2](#).

Annotations

## Notes

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Compiler's Notes.