



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

February 19, 1957

Honorable Bill Pemberton
County Attorney
Hunt County
Greenville, Texas

Opinion No. WW-28

Re: Applicability of Art. 301b, V.P.C. and Sec. 104, Art. 6701d, V.C.S., which require motor vehicles to stop while school bus is discharging passengers, to motor vehicles traveling on 4-lane divided super highways.

Dear Mr. Pemberton:

Your request for an opinion reads as follows:

"Must a motor vehicle traveling down a four lane divided super highway come to a complete stop as it approaches a school bus vehicle which has come to a stop upon the opposite lane of said four lane divided super highway, said school bus vehicle being then and there receiving and/or discharging passengers, the said school bus vehicle proceeding in a direction opposite to the aforementioned motor vehicle?"

Statutes requiring the driver of a motor vehicle to stop when such motor vehicle approaches a school bus which is discharging or receiving passengers are Article 301b, Vernon's Ann. P.C., Acts of the 42nd Legislature, 1931, page 368, ch. 215; and Section 104 of Article 6701d, Vernon's Ann. Civil Statutes, Acts of the 50th Legislature, 1947, page 967, ch. 421, as amended in 1953 by the 53rd Legislature, and as amended in 1955 by the 54th Legislature, which latter act is known as the Uniform Act Regulating Traffic on Highways.

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While the latter act is the most recent enactment by the Legislature on this subject, and contains a repealing clause (Section 156 of Article 670ld, Vernon's Ann. Civil Statutes), it is not necessary for this office to render any opinion as to the present validity of Art. 301b, Vernon's Ann. P. C. in order to answer your question.

A divided highway is defined in Section 62, Article 670ld, Vernon's Civil Statutes, as ". . . any highway . . . divided into two (2) roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic. . . ."

Section 104 (c) of Article 670ld, Vernon's Ann. Civil Statutes, reads as follows:

"The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway. As amended Acts of the 53rd Legislature, 1953, p. 719, ch. 280, Sec. 1."

The subject matter inquired about being covered by the special provision quoted above, such special provision controls if there be any conflict with any general law to the contrary. Article 5, Vernon's Ann. P. C.

You are accordingly advised that the operator of a motor vehicle traveling on one roadway of a four lane super highway is not required by law to stop his motor vehicle while a school bus is receiving or discharging school children on the other roadway of the same divided highway.

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SUMMARY

The operator of a motor vehicle traveling on one roadway of a four lane super highway is not required by law to stop his motor vehicle, while a school bus is receiving or discharging school children on the other roadway of the same divided highway.

Yours very truly,

WILL WILSON
Attorney General

By *Riley Eugene Fletcher*
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REF:ms

APPROVED:

OPINION COMMITTEE
H. Grady Chandler
Chairman