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(Filing No. H- 106)

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STATE OF MAINE HOUSE OF REPRESENTATIVES 115TH LEGISLATURE FIRST REGULAR SESSION

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COMMITTEE AMENDMENT " \mathcal{A} " to H.P. 443, L.D. 633, Bill, "An Act Relating to Violations Involving the Disregard of Red Flashing Lights on School Buses"

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Amend the bill by striking out everything after the amending clause and before the statement of fact and inserting in its place the following:

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'2-A. Registered owner's liability for vehicle illegally passing a school bus. A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of subsection 2 violates this subsection as follows. For purposes of this subsection, "registered owner" includes a person issued a dealer or transporter registration plate.

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A. The operator of a school bus who observes a violation of subsection 2 may report the violation to a police officer. If a report is made, the operator shall report the time and the location of the violation and the registration plate number and a description of the vehicle involved. The officer shall initiate an investigation of the reported violation and, if possible, contact the registered owner of the motor vehicle involved and request that the registered owner supply information identifying the operator.

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B. The investigating officer may cause the registered owner of the vehicle to be served with a summons for a violation of this subsection.

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C. Except as provided in paragraph D, it is not a defense to a violation of this subsection that a registered owner was not operating the vehicle at the time of the violation.

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D. The following are defenses to a violation of this subsection.

COMMITTEE AMENDMENT "A" to H.P. 443, L.D. 633

2	(1) If the registered owner of the vehicle provides
	the investigating officer with the name and address of
4	the person operating the vehicle at the time of the
	violation and the person named admits to the
6	investigating officer to operating the vehicle at the
	time of the violation, then the owner may not be found
8	in violation of this subsection.
10	(2) If the registered owner is a lessor of vehicles
	and at the time of the violation the vehicle was in the
12	possession of a lessee, and the lessor provides the
	investigating officer with a copy of the lease
14	agreement containing the information required by
	section 901, then the lessee and not the lessor may be
16	charged under this subsection.
18	(3) If the vehicle is operated using a dealer or
	transporter registration plate and at the time of the
20	violation the vehicle was operated by any person other
	than the dealer or transporter, and if the dealer or
22	transporter provides the investigating officer with the
	name and address of the person who had control over the
24	vehicle at the time of the violation, then that person
	and not the dealer or transporter may be charged under
26	this subsection.
28	(4) If a report that the vehicle was stolen is given
	to a law enforcement officer or agency before the
30	violation occurs or within a reasonable time after the
	violation occurs, then the owner may not be found in
32	violation of this subsection.
34	E. Notwithstanding subsection 5, a person who violates this
34	subsection commits a civil violation.
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38	FISCAL NOTE
40	This bill amends current law regarding passing a stopped
	school bus. There will be a minimal number of new cases filed in
42	District Court as a result of the new enforcement procedures.
	The additional work load and administrative costs associated with
44	these few cases will be absorbed within the budgeted resources of
-	the Judicial Department.'

COMMITTEE AMENDMENT "A" to H.P. 443, L.D. 633

STATEMENT OF FACT

This amendment clarifies the language in regard to defenses to the violation and makes the offense a civil violation. The amendment also clarifies that the holder of a dealer or transporter registration plate will be considered to be the owner. The holder of such a plate is still exempt from the violation if the holder identifies the person who was operating the vehicle at the time of the violation.

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Reported by the Committee on Transportation Reproduced and distributed under the direction of the Clerk of the House (4/9/91) (Filing No. H-106)