

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 833

H.P. 592

House of Representatives, February 16, 2005

An Act To Promote Safe Routes to School

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MARLEY of Portland.
Cosponsored by Senator COWGER of Kennebec and
Representatives: BARSTOW of Gorham, DUCHESNE of Hudson, EDER of Portland,
KAELIN of Winterport, LERMAN of Augusta, PARADIS of Frenchville, RECTOR of
Thomaston, Senator: SAVAGE of Knox.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 29-A MRSA §2057, sub-§§8-A and 8-B** are enacted to read:

6 **8-A. Authorized persons.** An operator of a motor vehicle
shall obey a hand signal or hand-held traffic control device of a
law enforcement officer, school crossing guard or any other
8 person authorized by an appropriate authority to direct traffic.

10 **8-B. School speed limit sign with flashing lights.** An
operator of a motor vehicle shall obey the posted speed limit on
12 a school speed limit sign when its lights are flashing.

14 **Sec. 2. 29-A MRSA §2116** is enacted to read:

16 **§2116. School zones**

18 **1. Fine surcharge.** The fine designated in accordance with
Title 4, section 164, subsection 12 for a violation occurring in
20 a school zone as defined in section 101, subsection 64-B or
within 100 feet of a school bus with activated flashing lights is
22 doubled when the violation is:

24 **A. Exceeding the speed limit in violation of section 2074,**
unless the fine has already been doubled pursuant to section
26 **2074, subsection 3-B;**

28 **B. Failing to obey a traffic control device in violation of**
section 2057;

30 **C. Failing to stop for a child in a crosswalk in violation**
32 **of section 2056, subsection 4;**

34 **D. Illegally passing a school bus in violation of section**
2308 if that school bus is in a school zone as defined in
36 **section 101, subsection 64-B;**

38 **E. Operating under the influence in violation of section**
2411; or

40 **F. Driving to endanger in violation of section 2413.**

42 **Fines under this subsection may not be reduced or suspended.**
44 **Half of a fine adjudged under this subsection must be paid to the**
Treasurer of State to be deposited in the School Zone Safety Fund
46 **under subsection 3.**

48 **2. School crossing guard.** A school crossing guard or other
person authorized by an appropriate authority to direct traffic

2 who observes a violation listed in subsection 1 in a school zone
4 as defined in section 101, subsection 64-B or within 100 feet of
6 a school bus with activated flashing lights may report the
8 violation to a law enforcement officer. The crossing guard or
10 authorized person shall include in the report the time and the
12 location of the violation and the registration plate number and a
14 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. The liability of a registered owner under this
section is the same as the liability of a registered owner who
illegally passes a school bus under section 2308, subsection 5.

16 3. School Zone Safety Fund. There is established the
18 School Zone Safety Fund, a nonlapsing, interest-bearing account
20 referred to in this section as "the fund," administered by the
22 Commissioner of Transportation. The fund receives money
24 deposited by the Treasurer of State pursuant to subsection 1.
26 All money deposited in the fund and the earnings on that money
remain in the fund and may be used on projects to improve school
zone safety, pupil transportation safety and student safety in
school bus loading and unloading areas and to promote safe routes
to school and for the necessary administrative and personnel
costs associated with the management of fund.

28 SUMMARY

30 This bill adds hand signals and hand-held traffic control
32 devices used by school crossing guards to the motor vehicle laws
34 governing traffic control devices. This bill also doubles the
36 fines of various traffic violations if the violations are
38 committed in a school zone or within 100 feet of a school bus
40 with activated flashing lights, with half of the fine going into
42 the School Zone Safety Fund, established to promote school zone
44 safety and fund school zone safety projects. This bill gives
school crossing guards and other persons authorized to direct
traffic the authority to report violations in a school zone or
within 100 feet of a school bus with activated flashing lights.
It imposes the same liability on owners of vehicles that are
reported to have committed a violation in a school zone or within
100 feet of a school bus with activated flashing lights as on
owners of vehicles reported to have illegally passed a school bus.