

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 313

S. P. 131

In Senate, January 23, 1973

Referred to the Committee on Transportation. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Hichens of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to School Buses.

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

Sec. 1. R. S., T. 29, § 2011, repealed and replaced. Section 2011 of Title 29 of the Revised Statutes, as repealed and replaced by section 1 of chapter 113 of the public laws of 1967, and as amended, is repealed and the following enacted in place thereof:

§ 2011. School buses; markings; stop at railroad tracks

The term "school bus" includes every motor vehicle with a carrying capacity of 10 or more passengers owned by a public or governmental agency, private school or vehicle privately owned and operated for compensation, used for the transportation of children and adults to or from school or to and from any activity approved by the school committee, community school committee or board of directors. "School," as used in this section, shall mean either a private or public school.

Buses shall be painted National School Bus Glossy Yellow, except that the hood shall be either that color or lusterless black. The bumpers of school buses shall be of glossy black unless painting is made impracticable through use of rubber or other innovative bumper devices that are not susceptible to being painted or that are covered with a reflective material for increased night visibility. Any school bus that is permanently converted for use wholly for purposes other than transporting pupils to or from school shall be painted a color other than National School Bus Glossy Yellow and have the school bus signal lamps and stop arms removed. Buses operated by a motor carrier having a certificate of public conveyance and necessity issued by the Public

Utilities Commission under Title 35, sections 1501 to 1518, which comply with the requirements of the commission, shall not be regarded as "school buses," and a driver must be qualified under the Motor Carrier Safety Regulations of the Federal Highway Administration, if he or his employer is subject to those regulations.

All school buses with a carrying capacity of over 16 passengers shall bear upon the front and rear thereof a plainly visible sign "School Bus" in letters not less than 8 inches in height which shall be removed or covered when the vehicle is not in use as a school bus, and all school buses with a carrying capacity of 16 passengers or less shall bear upon the front and rear thereof a plainly visible sign "School Bus" in letters not less than 4 inches in height which shall be removed or covered when the vehicle is not in use as a school bus, but these provisions shall not apply to public buses while transporting school children together with regular passengers. Such standard "descriptive signs" shall be furnished at cost by the Department of Educational and Cultural Services.

No municipality and no person or corporation employed by a municipality to convey children to and from school may use a conveyance which provides less than 13 inches of seating space for each passenger. The operator of a school bus shall not permit any standees on such buses when in motion on a public way.

All motor vehicles used as school buses shall be equipped with 2 doors, one on the right side near the front of the bus to be used for all ordinary exits and entrances; the other to be located in center of rear end of bus or in rear half of left side of bus if engine is so located as to make it impossible to place door in center of rear end.

Any such motor vehicle shall be so constructed that the operator has access to the passenger compartment without leaving the vehicle, and that the exhaust pipe shall extend beyond the external rear of the body of the bus, but not beyond the bumper, and shall be entirely outside of the body, and that the gasoline tank filler, vent and drain openings shall be outside of the bus body.

Each school bus shall be equipped with at least one dry-chemical type fire extinguisher of at least $2\frac{1}{2}$ pound capacity, mounted in extinguisher manufacturer's bracket of automotive type, and located in the driver's compartment in full view of and readily accessible to the driver. Said extinguisher shall bear the label of Underwriters' Laboratories, Inc., showing a rating of not less than 10-B.C. In addition to other lights required by law on each such bus, its front and rear shall be equipped with flashing red lights of a type approved by the Secretary of State. Such flashing red lights shall be turned on by the operator of such bus at least 100 feet before any stop is made to receive or discharge its passengers and shall be continually displayed until after the bus has received or discharged its passengers.

All school buses, when carrying children or adults, shall come to a full stop before crossing any railroad track or tracks, and such stop is to be made at a

point not more than 50 feet nor less than 10 feet from the nearest rail. The driver shall take such steps as are necessary to ascertain beyond a reasonable doubt that no train, engine or conveyance is approaching the crossing on said track or tracks before he shall proceed to drive such school bus across the track or tracks. The operator of a school bus failing to stop or to yield the right of way to any train, engine or conveyance on said track or tracks shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than \$200 nor more than \$500, or by imprisonment for not more than 11 months, or by both.

School buses must comply with the minimum standards for school buses as prescribed by the commissioner.

Notwithstanding section 2122, every school bus as defined in this Title shall be submitted to an official inspection station designated by the Chief of the State Police during the months of August and February for the purpose of complying with section 2122, concerning adjustment and sufficiency of the required equipment.

Notwithstanding section 2125, the fee for such inspection shall be \$2.

Sec. 2. R. S., T. 29, § 2012, sub-§ 2, amended. Subsection 2 of section 2012 of Title 29 of the Revised Statutes is amended to read as follows:

2. **Age.** Must be at least 18 years of age ~~unless he has passed a driver education course in Maine~~ and has held an operator's license for at least one year;

Sec. 3. R. S., T. 29, § 2012, sub-§ 3, repealed and replaced. Subsection 3 of section 2012 of Title 29 of the Revised Statutes is repealed and the following enacted in place thereof:

3. **Examination.** Must pass such examination as the Secretary of State shall prescribe to determine his ability to operate the specific vehicle which will be driven while transporting school children or adults. Application for such examination shall be filed with the Secretary of State within 10 days after commencement of such operation.

Sec. 4. R. S., T. 29, § 2012, sub-§ 4, repealed. Subsection 4 of section 2012 of Title 29 of the Revised Statutes is repealed.

Sec. 5. R. S., T. 29, § 2012, amended. The last paragraph of section 2012 of Title 29 of the Revised Statutes is repealed and the following enacted in place thereof:

This section shall not apply to a substitute or occasional driver who is at least 18 years of age and is not regularly employed as a school bus operator and who does not operate a school bus more than 10 days in any school year.

Sec. 6. R. S., T. 29, § 2013, amended. Section 2013 of Title 29 of the Revised Statutes is amended to read as follows:

§ 2013. Physical examination of school bus operators

No person shall operate a school bus with a seating capacity of 10 or more persons in the actual conveyance of school children or adults until he shall

have passed such annual physical examination as the State Board of Education shall prescribe to determine his physical fitness **and he shall meet all special, mental and moral requirements established by the Maine Department of Educational and Cultural Services.**

Sec. 7. R. S., T. 29, § 2014, amended. The 2nd paragraph of section 2014 of Title 29 of the Revised Statutes, as repealed and replaced by section 2 of chapter 113 of the public laws of 1967, is amended to read as follows:

The driver of a vehicle on a highway ~~with separate~~ **where the roadways are separated by a physical barrier or median strip** need not stop upon meeting or passing a school bus which is on a different roadway or when upon a limited-access highway and the school bus is stopped in a loading zone which is part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

Sec. 8. R. S., T. 29, § 2015, additional. Title 29 of the Revised Statutes is amended by adding a new section 2015, to read as follows:

§ 2015. Rules and regulations

The Commissioner of Educational and Cultural Services shall have the authority to promulgate rules and regulations, not inconsistent with this Title, governing school buses and the use thereof.

STATEMENT OF FACT

The purpose of this Act is to make Maine Statutes consistent with the minimum standards for school buses, and Highway Safety Program Standard No. 17, "Pupil Transportation Safety" and to permit school committees or board of directors to utilize school buses for transportation of adults to and from adult educational activities.