

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SIXTH LEGISLATURE

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## Legislative Document

No. 1045

S. P. 307

In Senate, February 22, 1973

Taken from Table by President and referred to the Committee on Transportation. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Hichens of York.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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### AN ACT Revising the Laws Relating to School Buses.

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

R. S., T. 29, c. 11, sub-c XII-A, additional. Chapter 11 of Title 29 of the Revised Statutes, is amended by adding a new subchapter XII-A to read as follows:

#### SUBCHAPTER XII-A SCHOOL BUSES

##### § 2021. Definitions

As used in this subchapter, unless the context otherwise indicates, the following words shall have the following meanings:

1. "School" shall mean an institution or facility for the teaching of children or for the custodial care of children whether public or private, which is regularly attended by such children.

2. "School bus" shall include every motor vehicle with a carrying capacity of 10 or more passengers, whether publicly or privately owned, which is used to transport school children to and from school or to and from school activities for which such transportation is approved by the appropriate school authorities. This definition shall not include private motor vehicles used to transport members of the owner's household.

##### § 2022. Markings; lights; mirrors

1. Equipment. Each school bus shall:

A. Be identified with the words, "School Bus", printed in letters not less than 8 inches high, located between the warning signal lamps as high as

possible without impairing visibility of the lettering from both front and rear and have no other lettering on the front thereof or on the rear with the exception of lettering indicating an emergency exit which shall not be more than 4 inches high. Effective with the 1974 model year, school buses with a carrying capacity of 20 or less passengers must comply with this requirement;

B. Be painted national school bus glossy yellow, except that the hood shall be that color or lusterless black. Effective with the 1974 model year, school buses with a carrying capacity of 20 or less passengers must comply with this requirement;

C. Have bumpers 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, effective with 1974 model year;

D. Be equipped with a system of red signal lamps that conform to the school bus requirements of SAE Standard J887 or are approved by the Commissioner of Transportation;

E. Be equipped with a system of mirrors that will give the seated driver a view of the roadway to each side of the bus, and of the area immediately in front of the front bumper, effective with the 1974 model year;

F. May be equipped with a system of stop arms which shall be operated only in conjunction with the red signal lamps;

G. The operator and passengers in school buses equipped with seat belts shall wear such belts whenever the vehicle is in motion.

2. Other use: Any school bus meeting the identification requirements of this section that is permanently converted for use wholly for purposes other than transportation provided by section 2021 shall be painted a color other than national school bus glossy yellow and have words "school bus," and school bus signal lamps and stop arms removed.

3. —additional: School buses being operated on a public way and transporting passengers other than provided in section 2021 shall have the words "school bus" covered, removed or otherwise concealed and the school bus signal lamps shall not be operable through the usual controls.

4. Prohibition. No vehicle shall be operated on any public way displaying the words "school bus" or with any of the equipment provided for by this section unless it is being used for transportation provided by section 2022.

#### § 2023. Operator requirements

1. Requirements. No person shall operate a school bus in the actual conveyance of school children until he shall have complied with the following requirements:

A. Hold a valid Maine operator's license for operation of the class vehicle to be operated and have at least one year's experience as a licensed motor vehicle operator in this or some other state;

B. 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;

C. Meet all special physical, mental and moral requirements established by the Department of Transportation;

D. Be qualified as a driver under the motor carrier safety regulations of the Federal Highway Administration, if he or his employer is subject to those regulations;

E. Must pass such examination as the Division of Motor Vehicles shall prescribe to determine his ability to operate the specific vehicle which will be driven as a school bus or any comparable type vehicle. Application for such examination shall be filed within 10 days after commencement of such operation.

A fee of \$3 shall accompany the application for such examination. The fee for any subsequent examinations shall be \$2.

2. Limitation. This section shall not apply to a substitute or occasional driver who is not regularly employed as a school bus operator and who does not operate a school bus more than 10 days in any one school year.

#### § 2024. Seating; doors; standing prohibited

1. Seating space. No vehicle shall be operated as a school bus unless a minimum of 13 inches of seating space is provided for each child and there shall be no auxiliary seating accommodations such as temporary or folding jump seats.

2. Doors All school buses shall be equipped with at least 2 doors. One door on the right side near the front for all ordinary exits and entrances, and a 2nd door to be located in the center of the rear end of the vehicle or at some point along the left side of the vehicle in the center or along the left side lateral extension of the vehicle to the rear of center.

The 2nd door shall be free of any obstructions and shall be clearly marked as an emergency exit and be so constructed as to permit its opening from either inside or outside of the vehicle.

3. Standees. The operator of a school bus shall not permit any standees on such buses when in motion on a public way.

#### § 2025. Construction; fire extinguisher

1. Construction. Each school bus shall be so constructed as to permit the operator access to the passenger compartment without leaving the vehicle.

2. Exhaust pipe. The exhaust pipe shall be entirely outside of every school bus and shall extend beyond the external rear of the body of the bus, but not beyond the bumper.

3. Fuel tank. The fuel tank filler, vent and drain openings shall be outside of the bus body.

4. Fire extinguisher. 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 driver's compartment in full view of and readily accessible to driver. Such fire extinguisher shall bear the label of Underwriter's Laboratories, Inc., showing a rating of not less than 10-B:C.

#### § 2026. Stop at railroad track crossings

The operator of a school bus, when carrying children, 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 operator 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 onto or across such 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 on conviction thereof shall be punished by a fine of not less than \$200 nor more than \$500.

#### § 2027. Inspection

Notwithstanding section 2122, every school bus shall be submitted to an official inspection station designated by the Chief of the State Police as a school bus inspection station, during the months of August and February of each year for the purpose of complying with said section 2122.

School buses requiring inspection during any month other than August and February, which satisfy the inspection requirements, shall be issued the school bus inspection sticker which will expire during the following August or February, whichever is earlier.

#### § 2028. Warning lights

In every case when the operator of a school bus stops to receive or discharge children, the system of red signal lamps provided by section 2022 shall be turned on at least 100 feet before stopping and shall be continually displayed until after the vehicle has received or discharged such children. The use of such signal lamps at any other time or for any other reason than as provided herein is prohibited.

#### § 2029. Rules and regulations

The Department of Transportation of this State shall have authority to promulgate rules and regulations, not inconsistent with this Title, governing

school bus construction, equipment and the operation thereof.

**§ 2030. Overtaking and passing school buses**

The operator of a vehicle on a way, upon meeting or overtaking a school bus from either direction which has stopped on the way to receive or discharge school children, shall stop such vehicle before reaching such school bus and said operator shall not proceed until such school bus resumes motion or until signaled by the school bus operator to proceed.

The operator of a vehicle on a way with roadways separated by curbing or other similar physical barrier need not stop upon meeting or passing a school bus which is traveling in a lane separated by such barrier from the lane said operator is traveling in 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. 2. R. S., T. 29, §§ 2011—2014, repealed. Sections 2011 to 2014 of Title 29 of the Revised Statutes, as amended, are repealed.**

**STATEMENT OF FACT**

The purpose of this bill is to make Maine statutes consistent with minimum standards for school buses and Highway Safety Program Standard No. 17, "Pupil Transportation Safety."