

# MAINE STATE LEGISLATURE

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New Draft of: S. P. 131, L. D. 313

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 1936

S. P. 622

In Senate, May 15, 1973

Reported by Senator Greeley of Waldo from the Committee on Transportation and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT Relating to School Buses.**

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

**Sec. 1. R. S., T. 20, § 220, amended.** Section 220 of Title 20 of the Revised Statutes, as amended by section 2 of chapter 425 of the public laws of 1967, is further amended by adding at the end the following new paragraph:

**The superintendent of the School Administrative District, with the approval of the school directors, may provide conveyance for adults to and from adult education programs.**

**Sec. 2. R. S., T. 20, § 358, amended.** Section 358 of Title 20 of the Revised Statutes is amended by adding at the end the following new paragraph:

**The superintendent of the community school, with the approval of the community school committee, may provide conveyance for adults to and from adult education programs.**

**Sec. 3. R. S., T. 20, § 3561, amended.** Section 3561 of Title 20 of the Revised Statutes, as amended, is further amended by adding at the end the following new paragraph:

**The superintendent of schools, with the approval of the superintending school committee, may provide conveyance for adults to and from adult education programs.**

**Sec. 4. R. S., T. 29, c. 11, sub-c. XII, repealed and replaced.** Subchapter XII of chapter 11 of Title 29 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

**SUBCHAPTER XII**  
**SCHOOL BUSES**

**§ 2011. Definitions**

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

1. School. The word "school" as used in this subchapter 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. The term "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.

**§ 2012. School bus markings; lights; mirrors**

1. Identifications. Each school bus:

A. Shall 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 not more than 4 inches high indicating an emergency exit and a number assigned to that specific bus when desired. Four-inch lettering on buses with 20 or less carrying capacity shall be optional until September 1, 1977;

B. Shall be painted national school bus glossy yellow, except that the hood shall be that color or lusterless black;

C. Shall 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;

D. Shall be equipped with a system of signal lamps that conform to the school bus requirements as approved by the Commissioner of Educational and Cultural Services;

E. Shall 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;

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

G. Effective September 1, 1977, school buses with a carrying capacity of 20 or less passengers shall comply with the requirements of paragraphs B, C and E.

2. —other purposes. 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 2011 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. —other passengers. School buses being operated on a public way and transporting passengers other than provided in section 2011 shall have the words "school bus" covered, removed or otherwise concealed and the school bus signal lamps shall not be operable.

4. —application. 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 2011.

#### § 2013. School bus 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 and has held an operator's license for at least one year;

C. Meet all special physical, mental and moral requirements established by the Commissioner of Educational and Cultural Services;

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 Secretary of State 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 subsequent examinations shall be \$2.

2. —application. 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.

#### § 2014. School bus seating; doors; standing prohibited

1. Seating. 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. Effective September 1, 1977 seating shall be provided that will permit each occupant to sit in a seat in a plan view lateral location.

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 to the rear of center. The 2nd door will be free of any obstructions and shall be clearly marked as an emergency exit and be so constructed as to permit its opening from both inside and 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.

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

#### § 2015. School bus construction; fire extinguisher

1. Access. 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, etc. 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 2½ 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. Such fire extinguisher shall bear the label of Underwriter's Laboratories, Inc., showing a rating of not less than 10-B: C.

#### § 2016. School buses to stop at railroad track crossings

The operator of a school bus 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 and his permission to operate any school bus shall be suspended by the Secretary of State for a period of not less than 2 years.

#### § 2017. School bus 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 section 2122. School buses re-

quiring 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.

§ 2018. Rules and regulations

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

§ 2019. Overtaking and passing school buses

1. Stopping. 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.

2. Separated roadways. 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.

§ 2020. Exception

School buses which are operated by a mass transit authority or are operated by a motor carrier holding a certificate of public convenience from the Public Utilities Commission, while transporting school children, shall comply with all of the requirements of school buses, except that they shall be exempted from the vehicle color requirements until September 1, 1977.

Sec. 5. Appropriation. There is appropriated from the General Fund to the Department of Educational and Cultural Services the sum of \$60,000 to carry out the purposes of this Act. The breakdown shall be as follows:

	1973-74	1974-75
EDUCATIONAL AND CULTURAL SERVICES,		
DEPARTMENT OF		
Personal Services	(2) \$25,000	(2) \$25,000
All Other	5,000	5,000
	<hr/>	<hr/>
	\$30,000	\$30,000

STATEMENT OF FACT

The purpose of this Act is to bring Maine statutes into conformance, as nearly as possible, with Federal Highway Program Standard No. 17 entitled "Pupil Transportation Safety" and to provide the required centralized responsibility for administration of this standard. It will also make permissive a provision for adult conveyances to and from adult education programs.