

MAINE STATE LEGISLATURE

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H.P. 938

House of Representatives, March 12, 2007

An Act To Promote School Zone Safety

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MARLEY of Portland.

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

2 **Sec. 1. 29-A MRSA §101, sub-§64-D** is enacted to read:

3 **64-D. School crossing guard.** "School crossing guard" means a person authorized
4 to direct vehicle and pedestrian traffic in conjunction with the moving of pedestrians to
5 and from school.

6 **Sec. 2. 29-A MRSA §2057, sub-§8-A** is enacted to read:

7 **8-A. Authorized persons.** An operator shall obey a hand signal or hand-held traffic
8 control sign of a law enforcement officer, school crossing guard or any other person
9 authorized to direct traffic.

10 **Sec. 3. 29-A MRSA §2057, sub-§8-B** is enacted to read:

11 **8-B. School speed limit sign with flashing lights.** An operator shall obey the
12 posted speed limit on a school speed limit sign when its lights are flashing.

13 **Sec. 4. 29-A MRSA §2116** is enacted to read:

14 **§2116. School zones**

15 **1. Fine surcharge.** The fine designated in accordance with Title 4, section 164,
16 subsection 12 for a traffic infraction occurring in a school zone is doubled when the
17 infraction is:

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

20 B. Failing to obey a traffic control device in violation of section 2057; or

21 C. Failing to stop for a pedestrian in a crosswalk in violation of section 2056,
22 subsection 4.

23 Fines under this subsection may not be reduced or suspended. Half of a fine adjudged
24 under this subsection must be paid to the Treasurer of State to be deposited in the fund
25 under subsection 3.

26 **2. Registered owner's liability for vehicle violation in a school zone.** A school
27 crossing guard who observes a violation listed in subsection 1 in a school zone may
28 report the violation to a law enforcement officer. The crossing guard shall include in the
29 report the time and the location of the violation and the registration plate number and a
30 description of the vehicle involved. The law enforcement officer shall initiate an
31 investigation of the reported violation and, if possible, contact the registered owner of the
32 motor vehicle involved and request that the registered owner supply information
33 identifying the operator. The liability of the registered owner under this section is the
34 same as the liability of a registered owner who illegally passes a school bus under section
35 2308, subsection 5.

1 **3. School Zone Safety Fund.** There is established the School Zone Safety Fund, a
2 nonlapsing interest-bearing account referred to in this section as “the fund,” administered
3 by the Commissioner of Transportation. The fund receives money deposited by the
4 Treasurer of State pursuant to subsection 1 and pursuant to section 2308, subsection 6,
5 paragraph A; section 2411, subsection 5, paragraph H; and section 2413, subsection 3,
6 paragraph A. All money deposited in the fund and the earnings on that money remain in
7 the fund and may be used on projects to improve school zone safety and law enforcement
8 and pupil transportation safety on foot and bicycle and to promote safe routes to school,
9 bicycle and pedestrian safety programs and crossing guard training and for the necessary
10 administrative and personnel costs associated with the management of the fund.

11 **Sec. 5. 29-A MRSA §2308, sub-§6, ¶A** is enacted to read:

12 A. A court shall double the otherwise applicable fine in the case of a violation of
13 subsection 2. Fines under this paragraph may not be reduced or suspended. Half of a
14 fine adjudged under this paragraph must be paid to the Treasurer of State to be
15 deposited in the School Zone Safety Fund under section 2116, subsection 3.

16 **Sec. 6. 29-A MRSA §2411, sub-§5, ¶F,** as amended by PL 2001, c. 511, §3 and
17 PL 2003, c. 689, Pt. B, §6, is further amended to read:

18 F. For a person sentenced under paragraph B, C or D, the court shall order the
19 defendant to participate in the alcohol and other drug program of the Department of
20 Health and Human Services, Office of Substance Abuse. The court may waive the
21 program pursuant to Title 5, section 20073-B, if the court finds that the defendant has
22 completed an alcohol or other drug treatment program subsequent to the date of the
23 offense; and

24 **Sec. 7. 29-A MRSA §2411, sub-§5, ¶G,** as amended by PL 2005, c. 606, Pt. A,
25 §4, is further amended to read:

26 G. The court shall order an additional period of license suspension of 275 days for a
27 person sentenced under paragraph A, B, C, D, D-1 or D-2 if the person was operating
28 the motor vehicle at the time of the offense with a passenger under 21 years of age;
29 and

30 **Sec. 8. 29-A MRSA §2411, sub-§5, ¶H** is enacted to read:

31 H. For a person convicted of a violation of this section in a school zone, the court
32 shall double the otherwise applicable fine. Fines under this paragraph may not be
33 reduced or suspended. Half of a fine adjudged under this paragraph must be paid to
34 the Treasurer of State to be deposited in the School Zone Safety Fund under section
35 2116, subsection 3.

36 **Sec. 9. 29-A MRSA §2413, sub-§3, ¶A** is enacted to read:

37 A. The court shall impose a fine double the otherwise applicable fine for a violation
38 of this section occurring in a school zone. Fines under this paragraph may not be
39 reduced or suspended. Half of a fine adjudged under this paragraph must be paid to
40 the Treasurer of State to be deposited in the School Zone Safety Fund under section
41 2116, subsection 3.

1

SUMMARY

2 The bill adds hand signals and hand-held traffic control signs used by school crossing
3 guards to the motor vehicle laws governing traffic control devices. The bill also doubles
4 the fines of various traffic violations if the violations are committed in a school zone,
5 with half of the fine going into the School Zone Safety Fund, established to promote
6 school zone safety and fund school zone safety projects. This bill defines “school
7 crossing guard” and gives crossing guards the authority to report violations that occur in a
8 school zone to law enforcement officers. The registered owner of the vehicle may be
9 found liable for a vehicle violation that takes place in a school zone.