

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Promote School Zone Safety

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

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

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

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

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

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

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

Sec. 4. 29-A MRS §2116 is enacted to read:

§ 2116. School zones

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

- A. Exceeding the speed limit in violation of section 2074, unless the fine has already been doubled pursuant to section 2074, subsection 3-B;
- B. Failing to obey a traffic control device in violation of section 2057; or
- C. Failing to stop for a pedestrian in a crosswalk in violation of section 2056, subsection 4.

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

2. Registered owner's liability for vehicle violation in a school zone. A school crossing guard who observes a violation listed in subsection 1 in a school zone may report the violation to a law enforcement officer. The crossing guard shall include in the report the time and the location of the violation and the registration plate number and a description of the vehicle involved. The law enforcement 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 the 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.

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

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

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

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

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

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

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

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

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

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

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

SUMMARY

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