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# HOUSE OF REPRESENTATIVES

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*Testimony of Rep. Ann Matlack in support of*

## **LD 2159, An Act to Require School Buses to Be Equipped and to Use School Bus Crossing Arms**

*Before the Joint Standing Committee on Transportation*

Good afternoon, Senator Nangle, Representative Crafts and esteemed colleagues on the Transportation Committee. My name is Ann Matlack and I represent House District 43, which includes the communities of Cushing, Thomaston, South Thomaston, St George and part of Owls Head, all in Knox County. I am here today to testify in support of **LD 2159, An Act to Require School Buses to Be Equipped and to Use School Bus Crossing Arms** and to present an Amendment to this bill.

As you will note on the attached Amendment, we are asking that this bill be renamed to reflect the addition of antipinch sensors as required safety equipment on all school buses. Shortly after a school child was killed in Rockland due to the lack of clarity on the use of crossing arms, another school child was killed in Standish due to the lack of antipinch sensors. These deaths could have been prevented by mandating all school buses in Maine install and use these safety devices. We also ask that school bus operation training reflect the required use of this equipment and that beginning in the fall of 2027, inspections of all school buses include this equipment and ensure that it is properly functioning or the inspection fails.

We are also here to ensure that this bill is properly funded. Twice in the past, safety measures such as these have been presented to the Legislature and twice the Legislature balked at the price of the fiscal note. It is now time for the piper to be paid. This amendment requires that all retrofitting of buses be funded by the Comptroller or, if there are insufficient funds, that available funds in the unallocated surplus of the General Fund be used. This funding is not to be taken from previously allocated Department of Education funding nor is it to be used for anything other than bringing all Maine school buses into compliance with this legislation.

We as a Legislature allowed prior bills to become law without adequate funding and two children paid with their lives and their families and communities will always mourn their loss.

More of my colleagues will come after me to address other aspects of this bill. But I would be pleased to answer any questions you may have.

District 43: Cushing, Thomaston, South Thomaston, St. George and part of Owls Head

## **An Act to Require All School Buses to Be Equipped with and use additional Safety Equipment ~~and to Use School Bus Crossing Arms~~**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** current law does not require school buses of model year 2020 or older to be equipped with a school bus crossing arm; or busses of model year 2025 and older to be equipped with antipinch sensors and

**Whereas,** for those school buses that are equipped with a school bus crossing arm, current law does not require the school bus crossing arm to be activated while a school bus is receiving and discharging passengers; and

**Whereas,** requiring school bus crossing arms on all school buses and requiring the school bus crossing arm to be activated while a school bus is receiving and discharging passengers and the installation of antipinch sensors will result in greater safety for children who travel to and from school on school buses; and

**Whereas,** the safety of children is of paramount importance, and this legislation must take effect immediately to protect children; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 29-A MRSA §2302, sub-§1-A,** as enacted by PL 2019, c. 413, §2, is amended to read:

**1-A. School bus crossing arms.** A school bus ~~of model year 2021 or newer~~ must be equipped with a school bus crossing arm.

**Sec. 2. 29-A MRSA §2306-A** is enacted to read:

### **§2306-A. Required use of school bus crossing arm**

**1. Required use.** The operator of a school bus equipped with a school bus crossing arm shall activate the school bus crossing arm while the school bus is stopped to receive or discharge passengers.

**2. Violation.** A person commits a Class E crime if that person, while operating a school bus, fails to activate a school bus crossing arm as required by subsection 1.

**3. Suspension.** On conviction of an operator of failure to activate a school bus crossing arm, the Secretary of State shall revoke the operator's school bus operator endorsement issued pursuant to section 2303 for a period of not less than 2 years.

**Sec. 3. 29-A MRSA §2302, sub-§1-A,** as enacted by PL 2023, c. 423, §1, is amended to read:

A. One door on the right side near the front for ordinary exits and entrances, which must be equipped with technology to prevent the door from closing on a person's limb or other body part ~~if the school bus was manufactured in 2025 or later~~; and

**Sec. 4 Sec. 2. 29-A MRSA §2302 is enacted to read:**

**5. Anti-Pinch technology.**

**1. Required installation and use.** Pursuant to Section 2A, The operator of a school bus that is carrying passengers must ensure that the required technology to prevent the door from closing on a person's limb or other body part, is installed and in good working order and may not carry passengers if the technology is not installed or not working.

**2. Violation** A person commits a Class E crime if that person, knowingly or should have know that a school bus they are operating does not meet requirements of subsection 1.

**3. Suspension.** On conviction of an operator of failure to activate a school bus crossing arm, the Secretary of State shall revoke the operator's school bus operator endorsement issued pursuant to section 2303 for a period of not less than 2 years.

**Sec. 5 Funding and implementation:**

In order to meet the requirements of this Act should no other funding be made available the Comptroller shall transfer any available funds from the unallocated surplus of the General fund at the close of the fiscal year to the Department of Education to provide to local school districts for the modification of existing schools busses to meet the requirements of this act. The Department engage in any rulemaking necessary to carry out the provision of this act any rulemaking shall be routine technical.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.