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By: **Delegate Wood**

Introduced and read first time: January 27, 1999

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - School Bus Passenger Safety Act**

3 FOR the purpose of authorizing a law enforcement agency to issue through the mail a  
4 citation providing for a civil penalty based on certain reports of school bus  
5 operators concerning the failure to stop for a school vehicle; establishing a  
6 maximum civil penalty; modifying the jurisdiction of the District Court of  
7 Maryland for a certain purpose and providing that recipients of citations under  
8 this Act may elect to stand trial before the District Court; requiring the District  
9 Court to prescribe a certain penalty and certain forms; prescribing certain  
10 procedures relating to infractions, adjudications, and penalties; prescribing an  
11 alternative procedure whereby a person receiving a citation involving certain  
12 classes of vehicles may provide certain information to the District Court;  
13 authorizing a law enforcement agency to reissue a citation based on certain  
14 information received from the District Court; requiring the District Court to  
15 provide certain information to the Motor Vehicle Administration (MVA) and  
16 authorizing the MVA to refuse to register or reregister, or to suspend the  
17 registration of a vehicle under certain circumstances; providing that a civil  
18 penalty does not result in the assessment of points by the MVA and may not be  
19 considered in the provision of motor vehicle insurance; modifying provisions  
20 relating to issuance of warnings; altering the number of points assessed by the  
21 MVA following a criminal conviction relating to failure to stop for a school  
22 vehicle; defining a certain term; and generally relating to the enforcement of the  
23 prohibition against passing a stopped school vehicle under certain  
24 circumstances.

25 BY repealing and reenacting, with amendments,  
26 Article - Courts and Judicial Proceedings  
27 Section 4-401(13)  
28 Annotated Code of Maryland  
29 (1998 Replacement Volume)

30 BY repealing and reenacting, with amendments,  
31 Article - Transportation  
32 Section 16-402(a)(5), 21-706.1, and 26-401

1 Annotated Code of Maryland  
2 (1998 Replacement Volume and 1998 Supplement)

3 BY repealing and reenacting, without amendments,  
4 Article - Transportation  
5 Section 21-706  
6 Annotated Code of Maryland  
7 (1998 Replacement Volume and 1998 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article - Courts and Judicial Proceedings**

11 4-401.

12 Except as provided in § 4-402 of this subtitle, and subject to the venue  
13 provisions of Title 6 of this article, the District Court has exclusive original civil  
14 jurisdiction in:

15 (13) A proceeding for a civil infraction under § 21-202.1 OR § 21-706.1 of  
16 the Transportation Article.

17 **Article - Transportation**

18 16-402.

19 (a) After the conviction of an individual for a violation of Article 27, § 388, §  
20 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State or of any  
21 local authority, points shall be assessed against the individual as of the date of  
22 violation and as follows:

23 (5) Failing to stop for a school vehicle with alternately flashing  
24 red warning lights..... [2] 3 points

25 21-706.

26 (a) If a school vehicle has stopped on a roadway and is operating the  
27 alternately flashing red warning lights specified in § 22-228 of this article, the driver  
28 of any other vehicle meeting or overtaking the school vehicle shall stop at least 20 feet  
29 from the rear of the school vehicle, if approaching the school vehicle from its rear, or  
30 at least 20 feet from the front of the school vehicle, if approaching the school vehicle  
31 from its front.

32 (b) If a school vehicle has stopped on a roadway and is operating the  
33 alternately flashing red warning lights specified in § 22-228 of this article, the driver  
34 of any other vehicle meeting or overtaking the school vehicle may not proceed until  
35 the school vehicle resumes motion or the alternately flashing red warning lights are  
36 deactivated.

1 (c) This section does not apply to the driver of a vehicle on a divided highway,  
2 if the school vehicle is on a different roadway.

3 21-706.1.

4 (a) (1) IN THIS SECTION, "OWNER" MEANS THE REGISTERED OWNER OF A  
5 MOTOR VEHICLE OR A LESSEE OF A MOTOR VEHICLE UNDER A LEASE OF 6 MONTHS  
6 OR MORE.

7 (2) "OWNER" DOES NOT INCLUDE A MOTOR VEHICLE RENTAL OR  
8 LEASING COMPANY OR A HOLDER OF A SPECIAL REGISTRATION PLATE ISSUED  
9 UNDER PART III OF TITLE 13, SUBTITLE 9 OF THIS ARTICLE.

10 (B) (1) If a school bus operator witnesses a violation of § 21-706 of this  
11 subtitle, WITHIN 3 DAYS OF THE VIOLATION the operator may [promptly] report the  
12 violation to a law enforcement agency exercising jurisdiction where the violation  
13 occurred.

14 (2) The report, to the extent possible, shall include:

15 (i) [Information pertaining to the identity of the alleged violator;

16 (ii)] The license number and color of the vehicle involved in the  
17 violation;

18 [(iii)] (II) The DATE, [time] TIME, and location at which the  
19 violation occurred; and

20 [(iv)] (III) An identification of the vehicle as an automobile, station  
21 wagon, truck, bus, motorcycle, or other type of vehicle.

22 [(b)] (C) (1) UNLESS THE DRIVER OF THE MOTOR VEHICLE RECEIVED A  
23 CITATION FROM A POLICE OFFICER AT THE TIME OF THE VIOLATION, THE OWNER  
24 OR, IN ACCORDANCE WITH SUBSECTION (H)(2) OF THIS SECTION, THE DRIVER OF A  
25 MOTOR VEHICLE THAT IS THE SUBJECT OF A REPORT UNDER SUBSECTION (B) OF  
26 THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT TO EXCEED \$200.

27 (2) FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT SHALL  
28 PRESCRIBE:

29 (I) A UNIFORM CITATION FORM CONSISTENT WITH SUBSECTION  
30 (D)(1) OF THIS SECTION;

31 (II) THE AMOUNT OF THE CIVIL PENALTY TO BE INSERTED ON THE  
32 CITATION AND TO BE PAID BY PERSONS WHO CHOOSE TO PAY THE CIVIL PENALTY  
33 WITHOUT APPEARING IN DISTRICT COURT; AND

34 (III) A FORM FOR SCHOOL BUS OPERATORS TO USE TO REPORT A  
35 VIOLATION OF § 21-706 OF THIS SUBTITLE TO A LAW ENFORCEMENT AGENCY.

1 (D) WITHIN 2 WEEKS OF RECEIVING A COMPLETE REPORT FROM A SCHOOL  
2 BUS OPERATOR UNDER SUBSECTION (B) OF THIS SECTION, A LAW ENFORCEMENT  
3 AGENCY MAY MAIL TO THE OWNER ALLEGED TO BE LIABLE UNDER SUBSECTION  
4 (C)(1) OF THIS SECTION:

5 (1) A CITATION WHICH SHALL INCLUDE:

6 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER OF THE  
7 VEHICLE;

8 (II) THE REGISTRATION NUMBER AND DESCRIPTION OF THE  
9 VEHICLE AS REPORTED BY THE SCHOOL BUS OPERATOR;

10 (III) THE VIOLATION CHARGED;

11 (IV) THE DATE, TIME, AND LOCATION OF THE VIOLATION;

12 (V) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE DATE  
13 BY WHICH THE CIVIL PENALTY MUST BE PAID; AND

14 (VI) A STATEMENT ADVISING THE OWNER:

15 1. OF THE MANNER IN WHICH LIABILITY MAY BE  
16 CONTESTED IN THE DISTRICT COURT; AND

17 2. THAT FAILURE TO PAY THE CIVIL PENALTY OR TO  
18 CONTEST LIABILITY IN A TIMELY MANNER MAY RESULT IN REFUSAL OR SUSPENSION  
19 OF THE MOTOR VEHICLE REGISTRATION; AND

20 (2) A COPY OF THE REPORT SUBMITTED BY THE SCHOOL BUS OPERATOR.

21 (E) IN ACCORDANCE WITH INSTRUCTIONS ON THE CITATION, A PERSON WHO  
22 RECEIVES THE CITATION MAY PAY THE CIVIL PENALTY OR ELECT TO STAND TRIAL  
23 FOR THE ALLEGED VIOLATION.

24 (F) (1) A REPORT OF THE SCHOOL BUS OPERATOR SHALL BE EVIDENCE OF  
25 THE FACTS CONTAINED IN THE REPORT AND SHALL BE ADMISSIBLE IN ANY  
26 PROCEEDING UNDER THIS SECTION.

27 (2) ADJUDICATION OF LIABILITY SHALL BE BASED ON A  
28 PREPONDERANCE OF EVIDENCE.

29 (3) (I) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A  
30 VIOLATION:

31 1. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,  
32 THAT THE MOTOR VEHICLE OR REGISTRATION PLATES OF THE MOTOR VEHICLE  
33 WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT UNDER THE  
34 CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE VIOLATION;



1 (I) IF A PERSON FAILS TO COMPLY WITH A CITATION ISSUED UNDER THIS  
2 SECTION OR FAILS TO PAY A CIVIL PENALTY, THE DISTRICT COURT SHALL NOTIFY  
3 THE ADMINISTRATION AND THE ADMINISTRATION MAY REFUSE TO REGISTER OR  
4 REREGISTER OR MAY SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE.

5 (J) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS  
6 SECTION:

7 (1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF ASSESSING  
8 POINTS UNDER § 16-402 OF THIS ARTICLE AND MAY NOT BE RECORDED BY THE  
9 ADMINISTRATION ON THE DRIVING RECORD OF THE OWNER OR DRIVER OF THE  
10 VEHICLE; AND

11 (2) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR VEHICLE  
12 INSURANCE COVERAGE.

13 (K) [If the identity of the operator of the vehicle at the time the violation  
14 occurred cannot be established, the] INSTEAD OF A CITATION, A law enforcement  
15 agency [shall] MAY issue to the registered owner of the vehicle, a warning stating:

16 (1) That a report of a violation of § 21-706 of this subtitle was made to  
17 the law enforcement agency and that the report described the owner's vehicle as the  
18 vehicle involved in the violation;

19 (2) That there is insufficient evidence for the issuance of a citation;

20 (3) That the warning does not constitute a finding that the owner is  
21 guilty of the violation; and

22 (4) The requirements of § 21-706 of this subtitle.

23 26-401.

24 If a person is taken before a District Court commissioner or is given a traffic  
25 citation or a civil citation under § 21-202.1 OR § 21-706.1 of this article containing a  
26 notice to appear in court, the commissioner or court shall be one that sits within the  
27 county in which the offense allegedly was committed.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 1999.