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By: **Delegate Wood**

Introduced and read first time: January 13, 2000

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Vehicle Laws - Drivers Failing to Stop for School Buses - Enforcement**  
3                                   **Initiative**

4 FOR the purpose of establishing a grant program under which certain law  
5 enforcement agencies may apply for funds for efforts relating to the enforcement  
6 of the law prohibiting the passing of stopped school vehicles; establishing a  
7 School Bus Safety Enforcement Fund and providing for the administration,  
8 composition, and use of the Fund; prescribing a revenue source for the Fund and  
9 specifying certain budgetary procedures; providing that the Secretary of the  
10 State Police shall award grants from the Fund; requiring the Secretary and the  
11 Department of State Police to take certain actions pertaining to administration  
12 of the program; requiring a law enforcement agency that receives a grant from  
13 the Fund to use the grant in a certain manner and comply with certain reporting  
14 requirements; requiring the Secretary to make certain reports; increasing the  
15 number of points assessed by the Motor Vehicle Administration following a  
16 conviction of a certain offense; defining certain terms; declaring the intent of the  
17 General Assembly; providing for the termination of certain provisions of this  
18 Act; providing for the transfer of certain money following the termination; and  
19 generally relating to enhanced enforcement of the law requiring motorists to  
20 stop for school vehicles.

21 BY repealing and reenacting, without amendments,  
22 Article 88B - Department of State Police  
23 Section 2(3) and (10)  
24 Annotated Code of Maryland  
25 (1998 Replacement Volume and 1999 Supplement)

26 BY adding to  
27 Article 88B - Department of State Police  
28 Section 81 through 85, inclusive, to be under the new subtitle "School Bus Safety  
29 Enforcement Fund"  
30 Annotated Code of Maryland  
31 (1998 Replacement Volume and 1999 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article - Transportation  
3 Section 16-402(a)(5)  
4 Annotated Code of Maryland  
5 (1999 Replacement Volume and 1999 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article - Transportation  
8 Section 17-106(e)  
9 Annotated Code of Maryland  
10 (1999 Replacement Volume and 1999 Supplement)  
11 (As enacted by Section 2 of Chapter 488 of the Acts of the General Assembly of  
12 1998)

13 BY repealing and reenacting, with amendments,  
14 Article - Transportation  
15 Section 17-106(e)  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 1999 Supplement)  
18 (As enacted by Section 5 of Chapter 488 of the Acts of the General Assembly of  
19 1998)

20 BY repealing and reenacting, without amendments,  
21 Article - Transportation  
22 Section 21-706  
23 Annotated Code of Maryland  
24 (1999 Replacement Volume and 1999 Supplement)

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

27 **Article 88B - Department of State Police**

28 2.

29 The following words shall have the meanings contained in this section unless  
30 the context manifestly indicates a different meaning:

31 (3) "Department" means the Department of State Police.

32 (10) "Secretary" means the Secretary of the State Police.

## 1 SCHOOL BUS SAFETY ENFORCEMENT FUND.

2 81.

3 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.

5 (B) "FUND" MEANS THE SCHOOL BUS SAFETY ENFORCEMENT FUND.

6 (C) "LAW ENFORCEMENT AGENCY" MEANS THE DEPARTMENT, A COUNTY OR  
7 MUNICIPAL POLICE DEPARTMENT, OR A SHERIFF'S OFFICE.

8 (D) "SCHOOL VEHICLE" HAS THE MEANING STATED IN § 11-154 OF THE  
9 TRANSPORTATION ARTICLE.

10 82.

11 (A) THERE IS A SCHOOL BUS SAFETY ENFORCEMENT FUND.

12 (B) THE FUND IS A SPECIAL NONLAPSING FUND THAT IS:

13 (1) ADMINISTERED BY THE SECRETARY; AND

14 (2) INTENDED TO ASSIST LAW ENFORCEMENT AGENCIES IN  
15 ADDRESSING THE PROBLEM OF DRIVERS ILLEGALLY PASSING SCHOOL VEHICLES.

16 (C) THE FUND CONSISTS OF:

17 (1) MONEY CREDITED TO THE FUND UNDER § 17-106(E) OF THE  
18 TRANSPORTATION ARTICLE;

19 (2) EARNINGS FROM THE INVESTMENT OF MONEY OF THE FUND; AND

20 (3) ANY OTHER MONEY ACCEPTED FOR THE BENEFIT OF THE FUND  
21 FROM ANY GOVERNMENTAL OR PRIVATE SOURCE.

22 (D) (1) THE STATE TREASURER SHALL HOLD THE FUND AND SHALL INVEST  
23 THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE  
24 INVESTED AND THE STATE COMPTROLLER SHALL ACCOUNT FOR THE FUND IN  
25 CONJUNCTION WITH THE DEPARTMENT.

26 (2) THE DEPARTMENT SHALL RECEIVE 10% OF THE TOTAL REVENUE  
27 CREDITED TO THE FUND EACH FISCAL YEAR, NOT TO EXCEED \$60,000 IN ANY FISCAL  
28 YEAR, TO OFFSET ITS COSTS IN ADMINISTERING THIS SUBTITLE.

29 (3) THE FUND IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND  
30 PROCUREMENT ARTICLE.

31 (4) GRANTS SHALL BE AWARDED TO LAW ENFORCEMENT AGENCIES  
32 FROM THE FUND AS AUTHORIZED BY THE SECRETARY.

1 (E) EXPENDITURES FROM THE FUND MAY ONLY BE MADE:

2 (1) PURSUANT TO AN APPROPRIATION APPROVED BY THE GENERAL  
3 ASSEMBLY IN THE ANNUAL STATE BUDGET; OR

4 (2) BY THE BUDGET AMENDMENT PROCEDURE PROVIDED FOR IN § 7-209  
5 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, PROVIDED THAT:

6 (I) THE BUDGET AMENDMENT AND SUPPORTING INFORMATION  
7 HAVE BEEN SUBMITTED TO THE BUDGET COMMITTEES FOR THEIR REVIEW AND  
8 COMMENT; AND

9 (II) AT LEAST 45 DAYS HAVE ELAPSED FROM THE TIME THE  
10 BUDGET AMENDMENT AND SUPPORTING INFORMATION WERE SUBMITTED TO THE  
11 BUDGET COMMITTEES.

12 83.

13 (A) THE SECRETARY SHALL ESTABLISH PROCEDURES FOR LAW  
14 ENFORCEMENT AGENCIES TO APPLY FOR GRANTS FROM THE FUND AND FOR THE  
15 EVALUATION OF PROGRESS IN ADDRESSING THE PROBLEM OF DRIVERS ILLEGALLY  
16 FAILING TO STOP FOR SCHOOL VEHICLES.

17 (B) (1) IN AWARDING GRANTS FROM THE FUND, THE SECRETARY SHALL  
18 CONSIDER:

19 (I) THE EXTENT OF THE PROBLEM OF DRIVERS ILLEGALLY  
20 FAILING TO STOP FOR SCHOOL VEHICLES IN THE AREA IDENTIFIED BY THE LAW  
21 ENFORCEMENT AGENCY APPLYING FOR A GRANT;

22 (II) THE LAW ENFORCEMENT AGENCY'S GOALS AND PLANS WITH  
23 RESPECT TO ENHANCED ENFORCEMENT EFFORTS RELATED TO § 21-706 OF THE  
24 TRANSPORTATION ARTICLE; AND

25 (III) OTHER FACTORS THAT THE SECRETARY CONSIDERS  
26 APPROPRIATE RELATING TO DRIVERS ILLEGALLY FAILING TO STOP FOR SCHOOL  
27 VEHICLES.

28 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE SECRETARY  
29 MAY NOT GRANT FROM THE FUND DURING A SINGLE FISCAL YEAR MORE THAN  
30 \$35,000 FOR USE IN A SINGLE COUNTY.

31 (3) IF, DURING ANY FISCAL YEAR, MONEY REMAINS AVAILABLE IN THE  
32 FUND AFTER GRANTS ARE INITIALLY AWARDED, THE SECRETARY MAY MAKE  
33 SUPPLEMENTAL GRANTS TO LAW ENFORCEMENT AGENCIES IN ACCORDANCE WITH  
34 PROCEDURES ESTABLISHED BY THE SECRETARY.

1 84.

2 A LAW ENFORCEMENT AGENCY THAT IS AWARDED A GRANT UNDER THIS  
3 SUBTITLE:

4 (1) MAY USE THE GRANT SOLELY IN ACCORDANCE WITH THE TERMS OF  
5 THE GRANT FOR EFFORTS RELATED TO THE ENFORCEMENT OF § 21-706 OF THE  
6 TRANSPORTATION ARTICLE; AND

7 (2) SHALL COMPLY WITH REPORTING REQUIREMENTS ESTABLISHED BY  
8 THE SECRETARY FOR PURPOSES OF EVALUATING:

9 (I) THE LAW ENFORCEMENT AGENCY'S EFFORTS UNDER THE  
10 GRANT; AND

11 (II) EFFORTS THROUGHOUT THE STATE UNDER THIS SUBTITLE.

12 85.

13 THE SECRETARY SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246  
14 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY, ON OR BEFORE  
15 MARCH 1, 2002, AND ON OR BEFORE MARCH 1 OF EACH YEAR THEREAFTER ON:

16 (1) THE STATUS OF THE FUND;

17 (2) THE GRANTS AWARDED UNDER THIS SUBTITLE; AND

18 (3) THE EFFECT OF THIS SUBTITLE IN REDUCING THE PROBLEM OF  
19 DRIVERS FAILING TO STOP FOR SCHOOL VEHICLES.

20 **Article - Transportation**

21 17-106.

22 (e) (1) (i) In addition to any other penalty provided for in the Maryland  
23 Vehicle Law, if the required security for a vehicle terminates or otherwise lapses  
24 during its registration year, the Administration may assess the owner of the vehicle  
25 with a penalty of \$150 for each vehicle without the required security for a period of 1  
26 to 30 days. If a fine is assessed, beginning on the 31st day the fine shall increase by  
27 a rate of \$7 for each day.

28 (ii) Each period during which the required security for a vehicle  
29 terminates or otherwise lapses shall constitute a separate violation.

30 (iii) The penalty imposed under this subsection may not exceed  
31 \$2,500 for each violation in a 12-month period.

32 (2) (i) A penalty assessed under this subsection shall be paid as  
33 follows:

1 1. 70% to be allocated to the Maryland Automobile Insurance  
2 Fund, the Motor Vehicle Registration Enforcement Fund, THE SCHOOL BUS SAFETY  
3 ENFORCEMENT FUND, and the General Fund as provided in subparagraph (ii) of this  
4 paragraph; and

5 2. 30% to the Administration, which may be used by the  
6 Administration, subject to subsection (f) of this section, to provide funding for  
7 contracts with independent agents to assist in the recovery of evidences of  
8 registration as authorized in subsection (d)(3) of this section.

9 (ii) The percentage of the penalties specified under subparagraph  
10 (i) of this paragraph shall be distributed as follows:

11 1. The amount distributed to the Maryland Automobile  
12 Insurance Fund in the prior fiscal year under the provisions of this subparagraph  
13 adjusted by the change for the calendar year preceding the fiscal year in the  
14 Consumer Price Index - All Urban Consumers - Medical Care as published by the  
15 United States Bureau of Labor Statistics to the Maryland Automobile Insurance  
16 Fund;

17 2. \$400,000 to the Motor Vehicle Registration Enforcement  
18 Fund each fiscal year, starting in fiscal year 1999 and continuing through fiscal year  
19 2003; [and]

20 3. \$600,000 TO THE SCHOOL BUS SAFETY ENFORCEMENT  
21 FUND EACH FISCAL YEAR, STARTING IN FISCAL YEAR 2001 AND CONTINUING  
22 THROUGH FISCAL YEAR 2005; AND

23 4. The balance to the General Fund.

24 (3) If the Administration assesses a vehicle owner or co-owner with a  
25 penalty under this subsection, the Administration may not take any of the following  
26 actions until the penalty is paid:

27 (i) Reinstate a registration suspended under this subsection;

28 (ii) Issue a new registration for any vehicle that is owned or  
29 co-owned by that person and is titled after the violation date; or

30 (iii) Renew a registration for a vehicle that is owned or co-owned by  
31 that person and is titled after the violation date.

32 (4) (i) In this paragraph, "family member" means any individual  
33 whose relationship to the vehicle owner is one of those listed under § 13-810(b)(1) of  
34 this article as being exempt from paying the excise tax imposed on the transfer of a  
35 vehicle.

36 (ii) The monetary penalties provided in this subsection may not be  
37 avoided by transferring title to the vehicle.

1 (iii) Regardless of whether money or other valuable consideration is  
2 involved in the transfer, if title to a vehicle is transferred by an individual who has  
3 violated this subtitle to a family member, any suspension of the vehicle's registration  
4 that occurred before the transfer shall continue as if no transfer had occurred and a  
5 new registration may not be issued until the penalty fee is paid.

6 (5) An amount equal to the monetary penalties paid to the  
7 Administration under paragraph (2) of this subsection may be used by the  
8 Administration only for the enforcement of this subtitle.

9 21-706.

10 (a) If a school vehicle has stopped on a roadway and is operating the  
11 alternately flashing red lights specified in § 22-228 of this article, the driver of any  
12 other vehicle meeting or overtaking the school vehicle shall stop at least 20 feet from  
13 the rear of the school vehicle, if approaching the school vehicle from its rear, or at  
14 least 20 feet from the front of the school vehicle, if approaching the school vehicle  
15 from its front.

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
23 read as follows:

24 **Article - Transportation**

25 17-106.

26 (e) (1) (i) In addition to any other penalty provided for in the Maryland  
27 Vehicle Law, if the required security for a vehicle terminates or otherwise lapses  
28 during its registration year, the Administration may assess the owner of the vehicle  
29 with a penalty of \$150 for each vehicle without the required security for a period of 1  
30 to 30 days. If a fine is assessed, beginning on the 31st day the fine shall increase by  
31 a rate of \$7 for each day.

32 (ii) Each period during which the required security for a vehicle  
33 terminates or otherwise lapses shall constitute a separate violation.

34 (iii) The penalty imposed under this subsection may not exceed  
35 \$2,500 for each violation in a 12-month period.

36 (2) (i) A penalty assessed under this subsection shall be paid as  
37 follows:

1 1. 70% to be allocated to the Maryland Automobile Insurance  
2 Fund, THE SCHOOL BUS SAFETY ENFORCEMENT FUND, and the General Fund as  
3 provided in subparagraph (ii) of this paragraph; and

4 2. 30% to the Administration, which may be used by the  
5 Administration, subject to subsection (f) of this section, to provide funding for  
6 contracts with independent agents to assist in the recovery of evidences of  
7 registration as authorized in subsection (d)(3) of this section.

8 (ii) The percentage of the penalties specified under subparagraph  
9 (i) of this paragraph shall be distributed as follows:

10 1. The amount distributed to the Maryland Automobile  
11 Insurance Fund in the prior fiscal year under the provisions of this subparagraph  
12 adjusted by the change for the calendar year preceding the fiscal year in the  
13 Consumer Price Index - All Urban Consumers - Medical Care as published by the  
14 United States Bureau of Labor Statistics to the Maryland Automobile Insurance  
15 Fund; [and]

16 2. \$600,000 TO THE SCHOOL BUS SAFETY ENFORCEMENT  
17 FUND EACH FISCAL YEAR, STARTING IN FISCAL YEAR 2001 AND CONTINUING  
18 THROUGH FISCAL YEAR 2005; AND

19 3. The balance to the General Fund.

20 (3) If the Administration assesses a vehicle owner or co-owner with a  
21 penalty under this subsection, the Administration may not take any of the following  
22 actions until the penalty is paid:

23 (i) Reinstate a registration suspended under this subsection;

24 (ii) Issue a new registration for any vehicle that is owned or  
25 co-owned by that person and is titled after the violation date; or

26 (iii) Renew a registration for a vehicle that is owned or co-owned by  
27 that person and is titled after the violation date.

28 (4) (i) In this paragraph, "family member" means any individual  
29 whose relationship to the vehicle owner is one of those listed under § 13-810(b)(1) of  
30 this article as being exempt from paying the excise tax imposed on the transfer of a  
31 vehicle.

32 (ii) The monetary penalties provided in this subsection may not be  
33 avoided by transferring title to the vehicle.

34 (iii) Regardless of whether money or other valuable consideration is  
35 involved in the transfer, if title to a vehicle is transferred by an individual who has  
36 violated this subtitle to a family member, any suspension of the vehicle's registration  
37 that occurred before the transfer shall continue as if no transfer had occurred and a  
38 new registration may not be issued until the penalty fee is paid.



1 (5) An amount equal to the monetary penalties paid to the  
2 Administration under paragraph (2) of this subsection may be used by the  
3 Administration only for the enforcement of this subtitle.

4 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
5 read as follows:

6 **Article - Transportation**

7 16-402.

8 (a) After the conviction of an individual for a violation of Article 27, § 388, §  
9 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State or of any  
10 local authority, points shall be assessed against the individual as of the date of  
11 violation and as follows:

12 (5) Failing to stop for a school vehicle with activated alternately flashing  
13 red lights ..... [2] 3 points

14 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the  
15 General Assembly that the Department of State Police shall consult with the State  
16 Department of Education, Maryland Chiefs of Police Association, and the Maryland  
17 Association of Pupil Transportation on the implementation of Section 1 of this Act,  
18 and that the grant program established under Section 1 of this Act shall be  
19 implemented as early as practical during the 2000-2001 school year.

20 SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
21 take effect on the taking effect of the termination provision specified in Section 5 of  
22 Chapter 488 of the Acts of the General Assembly of 1998. If the termination provision  
23 takes effect, § 17-106(e) of the Transportation Article, as enacted by Section 1 of this  
24 Act, shall be void. This Act may not be interpreted to have any effect on that  
25 termination provision.

26 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions  
27 of Section 5 of this Act, this Act shall take effect July 1, 2000. Sections 1 and 2 of this  
28 Act shall remain effective for a period of 5 years and, at the end of June 30, 2005, with  
29 no further action required by the General Assembly, Sections 1 and 2 of this Act shall  
30 be abrogated and of no further force or effect. Any balance in the School Bus Safety  
31 Enforcement Fund after June 30, 2005, shall be transferred to the State General  
32 Fund.