

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 1301

(Delegate Frush, *et al.*)

Environment and Transportation

Judicial Proceedings

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Vehicle Laws - School Crossing Guards - Authority to Direct Traffic

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This bill expands the authority of school crossing guards, who meet specified criteria, to assist “vehicles” (in addition to school vehicles) that are entering and leaving school grounds by stopping or otherwise directing vehicles and pedestrians on a highway or on school grounds. The bill does not apply in Baltimore City.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund revenues to the extent additional people receive citations under the bill’s provisions. Enforcement can be handled with existing resources.

**Local Effect:** Enforcement can be handled with existing resources. Revenues are not affected.

**Small Business Effect:** None.

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Analysis

**Current Law:** Under the Maryland Vehicle Law, “vehicle” means any device in, on, or by which any individual or property is or might be transported or towed on a highway, including a low-speed or off-highway recreational vehicle. “Vehicle” does not include an electric personal assistive mobility device.

A school crossing guard is qualified to direct vehicles and pedestrians on a highway or on school grounds to assist (1) pedestrians in the safe crossing of highways at a school crossing

and (2) school vehicles in entering and leaving school grounds. This applies if the school crossing guard:

- is age 18 or older;
- is under the control of a local law enforcement agency or a county school board;
- has completed training to perform any traffic direction duties to which the guard is assigned as prescribed by the law enforcement agency or county school board that has control over the school crossing guard; and
- is wearing an appropriate uniform as specified by the law enforcement agency or county school board that has control over the school crossing guard.

A person may not willfully disobey a lawful direction of a school crossing guard who is exercising the authority granted under State law. A violation is a misdemeanor with a maximum penalty of a \$500 fine. The prepayment penalty is \$290, and the Motor Vehicle Administration (MVA) must assess one point against the driver's license. If the violation contributes to an accident, the prepayment penalty is \$330, and MVA must assess three points against the driver's license.

A school crossing guard who does not meet the qualifications needed to direct pedestrian and vehicular traffic entering and leaving school grounds may assist a pedestrian to cross a highway, providing the school crossing guard does not attempt to do so by directing traffic.

**Background:** According to the District Court, in fiscal 2016, 25 citations were issued for willfully disobeying a lawful direction of a school crossing guard. Of those, 7 were prepaid, 13 went to trial, and 5 remained open.

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### **Additional Information**

**Prior Introductions:** SB 475 of 2016, a similar bill, passed the Senate but received an unfavorable report from the House Environment and Transportation Committee.

**Cross File:** SB 78 (Senator Rosapepe) - Judicial Proceedings.

**Information Source(s):** Baltimore City; Caroline, Montgomery, and Prince George's counties; Maryland Association of Boards of Education; Maryland State Department of

Education; Department of State Police; Maryland Department of Transportation; Judiciary  
(Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2017  
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