

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 623

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO SCHOOL CROSSING GUARDS; AMENDING CHAPTER 14, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1419A, IDAHO CODE, TO PROVIDE THAT A SCHOOL CROSSING GUARD MAY BE STATIONED AT A SCHOOL CROSSING DURING TIME PERIODS ESTABLISHED JOINTLY BY THE SCHOOL DISTRICT AND THE HEAD OF A LAW ENFORCEMENT AGENCY, TO ESTABLISH PROVISIONS RELATING TO A SCHOOL CROSSING GUARD'S AUTHORITY TO STOP TRAFFIC, TO PROVIDE THAT MOTOR VEHICLES SHALL COME TO A COMPLETE STOP IN CERTAIN CIRCUMSTANCES, TO PROVIDE FOR A REPORT RELATED TO A VIOLATION, TO ESTABLISH PROVISIONS RELATING TO AN INVESTIGATION BY A PEACE OFFICER, TO PROVIDE FOR A TRAFFIC CITATION, TO DEFINE A TERM AND TO PROVIDE FOR A PENALTY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 14, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-1419A, Idaho Code, and to read as follows:

49-1419A. SCHOOL CROSSING GUARDS -- GENERAL PROVISIONS AND ENFORCEMENT. (1) A school crossing guard may be stationed at a school crossing during time periods established jointly by the school district or public charter school and the head of the law enforcement agency having immediate jurisdiction.

(2) A school crossing guard while on duty at a school crossing shall stop vehicular traffic when necessary. This shall be done by use of a hand-held stop sign which conforms to the standards for the sign in the manual of uniform traffic control devices or as approved by the Idaho transportation department. School crossing guards shall have the authority only at their assigned crossing and only during their assigned duty times.

(3) When a school places and maintains portable or permanent signs indicating that there shall be no passing, that school is in session and that the driver of a motor vehicle shall stop when a person is in the crosswalk, all motor vehicles shall come to a complete stop at the crossing when the crosswalk is occupied by a person.

(4) A school crossing guard who observes a violation of this section shall prepare a written report on a form provided by the state department of education indicating that a violation has occurred. The school crossing guard or a school official shall deliver the report no more than seventy-two (72) hours after the alleged violation occurred to a peace officer of the state or a peace officer of the county or municipality in which the alleged violation occurred. The report shall state the time and the location at which the alleged violation occurred and shall include the motor vehicle license plate number and description of the vehicle involved in the alleged violation.

1 (5) Not more than seven (7) calendar days after receiving a report of an
2 alleged violation of this section from a school crossing guard, the peace of-
3 ficer shall initiate an investigation of the reported violation and contact
4 the registered owner of the motor vehicle involved in the reported violation
5 and request that the owner supply information identifying the driver if the
6 registered owner claims he was not the driver at the time the alleged vio-
7 lation occurred. If, from the investigation, the peace officer is able to
8 identify the driver and has reasonable cause to believe a violation of this
9 section has occurred, the peace officer shall prepare a uniform traffic ci-
10 tation for the violation and shall serve it personally or by certified mail
11 to the driver of the vehicle.

12 (6) For purposes of this section, the term "school crossing guard"
13 means a person twenty-one (21) years of age or older, who is authorized by the
14 appropriate school official to act as a crossing guard at a school crossing
15 in accordance with the provisions of this section.

16 (7) A person who violates any provision of this section shall be fined
17 an amount of not less than one hundred dollars (\$100) nor more than five hun-
18 dred dollars (\$500).