

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 623

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO SCHOOL CROSSING GUARDS; AMENDING CHAPTER 14, TITLE 49, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 49-1419A, IDAHO CODE, TO PRO-
3 VIDE THAT A SCHOOL CROSSING GUARD MAY BE STATIONED AT A SCHOOL CROSSING
4 DURING TIME PERIODS ESTABLISHED JOINTLY BY THE SCHOOL DISTRICT AND THE
5 HEAD OF A LAW ENFORCEMENT AGENCY, TO ESTABLISH PROVISIONS RELATING TO A
6 SCHOOL CROSSING GUARD'S AUTHORITY TO STOP TRAFFIC, TO PROVIDE THAT MO-
7 TOR VEHICLES SHALL COME TO A COMPLETE STOP IN CERTAIN CIRCUMSTANCES, TO
8 PROVIDE FOR A REPORT RELATED TO A VIOLATION, TO ESTABLISH PROVISIONS RE-
9 LATING TO AN INVESTIGATION BY A PEACE OFFICER, TO PROVIDE FOR A TRAFFIC
10 CITATION, TO DEFINE A TERM AND TO PROVIDE FOR A PENALTY.
11

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

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

16 49-1419A. SCHOOL CROSSING GUARDS -- GENERAL PROVISIONS AND ENFORCE-
17 MENT. (1) A school crossing guard may be stationed at a school crossing dur-
18 ing time periods established jointly by the school district or public char-
19 ter school and the head of the law enforcement agency having immediate juris-
20 diction.

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

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

32 (4) A school crossing guard who observes a violation of this section
33 shall prepare a written report on a form provided by the state department
34 of education indicating that a violation has occurred. The school cross-
35 ing guard or a school official shall deliver the report no more than sev-
36 enty-two (72) hours after the alleged violation occurred to a peace officer
37 of the state or a peace officer of the county or municipality in which the al-
38 leged violation occurred. The report shall state the time and the location
39 at which the alleged violation occurred and shall include the motor vehicle
40 license plate number and description of the vehicle involved in the alleged
41 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).