

SENATE BILL No. 624

November 21, 1991, Introduced by Senators DILLINGHAM,
MC MANUS, CARL, GEAKE, PRIDNIA, EHLERS, HART and
SCHWARZ and referred to the Committee on Transportation
and Tourism.

A bill to amend sections 5, 7, 10, 10a, 19, 31, 49, 51, 52,
53, 55, 57, 59, 63, and 65 of Act No. 187 of the Public Acts of
1990, entitled

"The pupil transportation act,"

section 10a as added and section 55 as amended by Act No. 322 of
the Public Acts of 1990, being sections 257.1805, 257.1807,
257.1810, 257.1810a, 257.1819, 257.1831, 257.1849, 257.1851,
257.1852, 257.1853, 257.1855, 257.1857, 257.1859, 257.1863, and
257.1865 of the Michigan Compiled Laws; to add sections 20 and
50; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 5, 7, 10, 10a, 19, 31, 49, 51, 52, 53,
2 55, 57, 59, 63, and 65 of Act No. 187 of the Public Acts of 1990,
3 section 10a as added and section 55 as amended by Act No. 322 of
4 the Public Acts of 1990, being sections 257.1805, 257.1807,

1 257.1810, 257.1810a, 257.1819, 257.1831, 257.1849, 257.1851,
2 257.1852, 257.1853, 257.1855, 257.1857, 257.1859, 257.1863, and
3 257.1865 of the Michigan Compiled Laws, are amended and sections
4 20 and 50 are added to read as follows:

5 Sec. 5. (1) "INTERCITY COACH" MEANS ANY BUS USED FOR CON-
6 TINUOUS HIGH SPEED TRAVEL THAT IS DESIGNED FOR MAXIMUM PASSENGER
7 COMFORT AND THAT HAS ALL OF THE FOLLOWING CHARACTERISTICS:

8 (A) A FULL WIDTH UNDERFLOOR BAGGAGE AREA HAVING NOT LESS
9 THAN 200 CUBIC FEET.

10 (B) A UNIBODY CONSTRUCTED OF ALUMINUM AND STEEL.

11 (C) A PASSENGER FLOOR LOCATED ABOVE THE CHASSIS.

12 (D) AN AIR OR TORSION BAR SUSPENSION.

13 (2) ~~-(1)-~~ "Modified school bus" means a school bus of any
14 age with a factory installed fuel system which has been modified
15 to operate on a fuel source other than gasoline or diesel fuel.

16 (3) ~~-(2)-~~ "Nonpublic school" means a private school, a
17 denominational school, or a parochial school as defined by law.
18 A NONPUBLIC SCHOOL DOES NOT INCLUDE A SCHOOL THAT PROVIDES A PRO-
19 GRAM THAT IS PRIMARILY FOR RELIGIOUS INSTRUCTION.

20 (4) ~~-(3)-~~ "Public school" means a local school district, a
21 local act school district, or an intermediate school district as
22 defined by law.

23 (5) "PUBLIC TRANSIT AGENCY OR AUTHORITY" MEANS AN ELIGIBLE
24 GOVERNMENTAL AGENCY OR AN ELIGIBLE AUTHORITY AS DEFINED IN SEC-
25 TION 10C OF ACT NO. 51 OF THE PUBLIC ACTS OF 1951, BEING SECTION
26 247.660C OF THE MICHIGAN COMPILED LAWS.

1 (6) "PUPIL" MEANS A PERSON ENROLLED IN A SCHOOL.

2 (7) ~~-(4)-~~ "Pupil transportation vehicle" means any vehicle
3 other than a school bus ~~used to transport~~ WITH A MANUFACTURER'S
4 RATED SEATING CAPACITY OF 11 TO 16 PASSENGERS, INCLUDING THE
5 DRIVER, THAT WAS PURCHASED BY A SCHOOL, OR A PERSON OR ENTITY
6 TRANSPORTING PUPILS UNDER A CONTRACT WITH A SCHOOL, BEFORE THE
7 EFFECTIVE DATE OF THIS 1991 AMENDATORY ACT, THAT DOES NOT MEET OR
8 EXCEED THE PASSENGER PROTECTION FEDERAL MOTOR VEHICLE SAFETY
9 STANDARDS APPLICABLE TO SCHOOL BUSES, AND THAT IS USED TO
10 TRANSPORT pupils to or from school or school-related events
11 BEFORE OCTOBER 1, 1997. Pupil transportation vehicle does not
12 include a COMMERCIAL vehicle AS DEFINED BY SECTION 7 OF ACT
13 NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SECTION 257.7 OF THE
14 MICHIGAN COMPILED LAWS, THAT IS operated by a ~~municipally owned~~
15 ~~transportation system or by a~~ carrier ~~certified~~ CERTIFICATED
16 by the state transportation department, A BUS OPERATED BY A
17 PUBLIC TRANSIT AGENCY OR AUTHORITY, OR A VEHICLE USED BY A PARENT
18 OR A PARENT'S DESIGNEE TO TRANSPORT CHILDREN TO OR FROM SCHOOL OR
19 SCHOOL-RELATED EVENTS.

20 (8) ~~-(5)-~~ "Rehabilitated school bus" means a bus which is at
21 least 4 years old and has accumulated at least 100,000 miles, or
22 is 7 years old; and which has been thoroughly inspected and had
23 all systems repaired, replaced, or adjusted to meet the depart-
24 ment of state police inspection requirements including but not
25 limited to:

26 (a) Engine overhaul of short block.

(b) New tires on the front axle.

(c) New recap tires on the rear axle.

(d) New brake linings and drums.

(e) New hydraulic brake lines.

(f) New front and rear springs.

(g) New paint in the interior.

(h) New exhaust system.

(9) ~~-(6)-~~ "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(10) ~~-(7)-~~ "School" means either a public school or a non-public school, ~~-or both-~~ AN EARLY CHILDHOOD EDUCATION PROGRAM APPROVED BY THE STATE BOARD OF EDUCATION, OR A HEAD START PROGRAM APPROVED BY THE FEDERAL GOVERNMENT. SCHOOL DOES NOT INCLUDE A PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY.

Sec. 7. (1) "School bus" means a motor vehicle, other than a ~~station wagon or passenger van~~ PUPIL TRANSPORTATION VEHICLE OR AN INTERCITY COACH, with a manufacturer's rated seating capacity of ~~-16-~~ 11 or more passengers, INCLUDING THE DRIVER, used for the transportation of ~~-school-~~ pupils to ~~-and-~~ OR from school ~~-and-~~ OR school-related events which either is owned by a school or ~~-, if privately owned, is transporting school-~~ IS USED TO TRANSPORT pupils under a contract with a school. School bus does not include a ~~-vehicle-~~ COMMERCIAL VEHICLE AS DEFINED BY SECTION 7 OF THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SECTION 257.7 OF THE MICHIGAN COMPILED LAWS, THAT IS

1 OPERATED BY A CARRIER CERTIFICATED BY THE STATE TRANSPORTATION
2 DEPARTMENT OR A BUS operated by a ~~municipally owned transporta-~~
3 ~~tion system or by a carrier certified by the state transportation~~
4 ~~department~~ PUBLIC TRANSIT AGENCY OR AUTHORITY, unless the vehi-
5 cle is used ~~exclusively~~ PRIMARILY to transport school pupils TO
6 OR FROM SCHOOL OR SCHOOL RELATED EVENTS, OR A VEHICLE USED BY A
7 PARENT OR A PARENT'S DESIGNEE TO TRANSPORT PUPILS TO OR FROM
8 SCHOOL OR SCHOOL-RELATED EVENTS.

9 (2) "Type I school bus" means a school bus with a gross
10 vehicle weight rating of more than 10,000 pounds.

11 (3) "Type II school bus" means a school bus with a gross
12 vehicle rating of 10,000 pounds or less.

13 (4) "Type I premium school bus" means a school bus with a
14 passenger capacity of over 66 pupils and any other school bus
15 purchased by a district at a cost for the vehicle, excluding
16 interest and special equipment, which exceeds by more than 15%
17 the average cost of a school bus meeting state minimum specifica-
18 tions of the same capacity purchased during the same year.

19 Sec. 10. (1) ~~Each~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSEC-
20 TION (3) AND SECTION 10A, EACH motor vehicle, ~~owned by a public,~~
21 ~~private, or governmental agency and~~ OTHER THAN A PUPIL TRANSPOR-
22 TATION VEHICLE, THAT IS operated BY A SCHOOL OR UNDER CONTRACT
23 WITH A SCHOOL for the transportation of ~~passengers~~ PUPILS to or
24 from school ~~and~~ OR school-related events shall meet or exceed
25 the passenger protection federal motor vehicle safety standards
26 applicable to the construction and sale of that vehicle. A
27 vehicle for which there are no ~~applicable~~ passenger protection

1 federal motor vehicle safety standards FOR ALL SEATING POSITIONS
2 shall not be used to transport ~~passengers~~ PUPILS to ~~and~~ OR
3 from school ~~and~~ OR school-related events.

4 (2) Vehicles ~~, other than school buses,~~ shall meet the
5 ~~requirements of this section by October 1, 1997~~ WITH A MANUFAC-
6 TURERS RATED SEATING CAPACITY OF 11 OR MORE PASSENGERS, INCLUDING
7 THE DRIVER, OTHER THAN A PUPIL TRANSPORTATION VEHICLE OR SCHOOL
8 BUS, SHALL NOT BE USED TO TRANSPORT PUPILS TO OR FROM SCHOOL OR
9 SCHOOL-RELATED EVENTS, EXCEPT AS PROVIDED IN SUBSECTIONS (3) TO
10 (5).

11 (3) ~~A school shall not purchase a vehicle to be used to~~
12 ~~transport passengers to and from school and school-related events~~
13 ~~that does not meet or exceed the passenger protection federal~~
14 ~~motor vehicle safety standards applicable to that vehicle. A~~
15 ~~school shall not purchase a vehicle to be used to transport pas-~~
16 ~~sengers to and from school and school-related events for which~~
17 ~~there are no applicable passenger protection federal motor vehi-~~
18 ~~cle safety standards. This subsection shall apply to vehicles,~~
19 ~~other than school buses, purchased on or after October 1, 1993.~~

20 ~~(4) Vehicles~~ SUBSECTIONS (1) AND (2) DO NOT APPLY TO A COMMER-
21 CIAL VEHICLE OPERATED BY A CARRIER CERTIFICATED BY THE STATE
22 TRANSPORTATION DEPARTMENT, A BUS OPERATED BY A PUBLIC TRANSIT
23 AGENCY OR AUTHORITY UNLESS THE VEHICLE IS USED PRIMARILY TO
24 TRANSPORT PUPILS TO OR FROM SCHOOL OR SCHOOL-RELATED EVENTS, OR A
25 VEHICLE used by ~~parents~~ A PARENT or a parent's designee to
26 transport ~~their~~ HIS OR HER CHILD OR children to ~~and~~ OR from

1 school ~~and~~ OR school-related events. ~~under contract with the~~
2 ~~school are exempt from the requirements of this section.~~

3 Sec. 10a. (1) A school ~~district~~ may ~~use a vehicle con-~~
4 ~~structed to standards comparable to those used by Greyhound type~~
5 ~~buses~~ CONTRACT FOR AN INTERCITY COACH TO BE USED for occasional
6 transportation OF PUPILS to OR FROM school-related events. ~~—~~
7 ~~provided that a contract for the construction and delivery of~~
8 ~~that vehicle was entered into after January 1, 1990, but before~~
9 ~~the effective date of this act. This vehicle shall not be used~~
10 ~~for the regular route transportation of students to and from~~
11 ~~school and home.~~

12 (2) THE DEPARTMENT OF EDUCATION MAY AUTHORIZE THE USE OF AN
13 INTERCITY COACH FOR THE REGULAR ROUTE TRANSPORTATION OF PUPILS TO
14 OR FROM SCHOOL OR SCHOOL-RELATED EVENTS UPON THE SHOWING OF
15 UNUSUAL CIRCUMSTANCES WHICH MAY INCLUDE THE COMFORT OR PHYSICAL
16 NEEDS OF PUPILS. THE AUTHORIZATION SHALL BE IN WRITING AND CON-
17 TAIN SUCH CONDITIONS OR RESTRICTIONS AS MAY BE NECESSARY TO SAFE-
18 GUARD THE WELFARE OF THE PUPILS.

19 Sec. 19. (1) A school bus shall be equipped with signal
20 lamps mounted as high and widely spaced laterally as practicable
21 which shall be capable of displaying to the front 2 alternately
22 flashing red lamps located at the same level and to the rear 2
23 alternately flashing red lamps located at the same level.

24 (2) In addition to the 4 red lamps described in
25 subsection (1), 4 amber lamps shall be installed near each red
26 signal lamp, at the same level, but closer to the vertical center
27 line of the bus. The system of red and amber signal lamps shall

1 be wired so that the amber lamps are energized manually, and the
2 red lamps are automatically energized, with the amber lamps being
3 automatically ~~de-energized~~ DEACTIVATED, when the bus service
4 door is opened.

5 (3) The area around the lens of each alternately flashing
6 signal lamp and extending outward approximately 3 inches shall be
7 painted black. In installations where there is no flat vertical
8 portion of body immediately surrounding the entire lens of a
9 lamp, a circular or square band of black approximately 3 inches
10 wide, immediately below and to both sides of a lens, shall be
11 painted on the body or roof area against which the signal lamp is
12 seen from a distance of 500 feet along the axis of the vehicle.
13 Visors or hoods with an appropriate black background to fit their
14 shape and roofcap may also be used. These amber and red sealed
15 beam lights shall have sufficient intensity to be visible from a
16 distance of not less than 500 feet in normal sunlight. Lamps
17 indicating alternately flashing light operation shall be visible
18 to the driver when in a normal seated position.

19 (4) This section shall apply to new school buses manufac-
20 tured on or after October 1, 1990, and to school buses manufac-
21 tured before October 1, 1990 that are retrofitted to meet the
22 requirements of this section.

23 (5) SCHOOL BUSES BEING OPERATED IN ACCORDANCE WITH THIS ACT
24 SHALL BE RETROFITTED TO MEET THE REQUIREMENTS OF THIS SECTION
25 WITHIN 2 YEARS AFTER FUNDING IS PROVIDED PURSUANT TO THIS
26 SUBSECTION. EACH SCHOOL DISTRICT IS TO RECEIVE AN AMOUNT NOT TO
27 EXCEED \$160.00 FROM FUNDS APPROPRIATED FOR SUCH PURPOSES FOR EACH

1 BUS RETROFITTED TO MEET THE REQUIREMENTS OF THIS SECTION. FUNDS
2 SHALL BE PROVIDED UNDER THIS SUBSECTION TO SCHOOLS THAT HAVE RET-
3 ROFITTED SCHOOL BUSES TO MEET THE REQUIREMENTS OF THIS SECTION
4 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
5 SUBSECTION OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
6 ADDED THIS SUBSECTION BUT BEFORE FUNDING IS PROVIDED UNDER THIS
7 SUBSECTION.

8 SEC. 20. (1) A SCHOOL BUS MANUFACTURED ON OR AFTER
9 SEPTEMBER 1, 1992 SHALL NOT BE PURCHASED UNLESS IT IS EQUIPPED
10 WITH A STOP SIGNAL ARM HAVING 2 RED FLASHING LAMPS.

11 (2) A SCHOOL BUS PURCHASED OR RETROFITTED WITH A STOP SIGNAL
12 ARM SHALL MEET THE REQUIREMENTS OF FEDERAL MOTOR VEHICLE SAFETY
13 STANDARD NO. 131, BEING 49 C.F.R. 571.131.

14 (3) A STOP SIGNAL ARM MEETING THE REQUIREMENTS OF THIS SEC-
15 TION MAY BE USED ON AND AFTER THE EFFECTIVE DATE OF THE AMENDA-
16 TORY ACT THAT ADDED THIS SECTION, AND WHEN USED SHALL BE AUTOMAT-
17 ICALLY ACTIVATED WHEN FLASHING OVERHEAD RED LIGHTS ARE ACTIVATED,
18 PURSUANT TO FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 131, BEING
19 49 C.F.R. 571.131.

20 (4) A SCHOOL BUS SHALL BE RETROFITTED TO MEET THE REQUIRE-
21 MENTS OF THIS SECTION WITHIN 2 YEARS AFTER FUNDING IS PROVIDED
22 PURSUANT TO THIS SUBSECTION. EACH SCHOOL IS TO RECEIVE AN AMOUNT
23 NOT TO EXCEED \$160.00 FROM FUNDS APPROPRIATED FOR SUCH PURPOSES
24 FOR EACH BUS RETROFITTED TO MEET THE REQUIREMENTS OF THIS
25 SECTION. FUNDS SHALL BE PROVIDED UNDER THIS SUBSECTION TO
26 SCHOOLS THAT HAVE RETROFITTED SCHOOL BUSES TO MEET THE
27 REQUIREMENTS OF THIS SECTION BEFORE THE EFFECTIVE DATE OF THE

1 AMENDATORY ACT THAT ADDED THIS SECTION OR AFTER THE EFFECTIVE
2 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION BUT BEFORE
3 FUNDING IS PROVIDED UNDER THIS SUBSECTION.

4 Sec. 31. A school bus may be equipped with a flashing,
5 oscillating, or rotating light mounted on the roof of the bus
6 approximately 6 feet from the rear of the vehicle which displays
7 a white light to the front, side, and rear of the bus which light
8 may be actuated by the driver for use ~~only in~~ DURING inclement
9 weather such as fog, rain, or snow, ~~when boarding or discharging~~
10 ~~passengers,~~ from 1/2 hour ~~before~~ AFTER sunset until 1/2 hour
11 ~~after~~ BEFORE sunrise, or where conditions hinder the visibility
12 of the school bus.

13 Sec. 49. (1) A person, whether or not licensed under the
14 Michigan vehicle code, Act No. 300 of the Public Acts of 1949,
15 being sections 257.1 to 257.923 of the Michigan Compiled Laws,
16 who is 17 years of age or less shall not drive a school bus or
17 pupil transportation vehicle.

18 (2) A person shall not operate a school bus or pupil trans-
19 portation vehicle used for the ~~regularly~~ scheduled transporta-
20 tion of ~~passengers~~ PUPILS to ~~and~~ OR from school ~~and~~ OR home
21 OR SCHOOL-RELATED EVENTS unless that person possesses a valid
22 chauffeur's license, the appropriate vehicle group designation,
23 and a passenger vehicle indorsement under section 312e of Act
24 No. 300 of the Public Acts of 1949, being section 257.312e of the
25 Michigan Compiled Laws, AND SUCCESSFULLY COMPLETES THE DRIVER
26 COMPETENCY REQUIREMENTS DESCRIBED IN SECTIONS 51, 52, AND 53.

1 (3) ~~Pursuant to the authority granted in section 204a of~~
2 ~~the Michigan vehicle code, Act No. 300 of the Public Acts of~~
3 ~~1949, being section 257.204a of the Michigan Compiled Laws, the~~
4 ~~secretary of state shall note on the person's license each con-~~
5 ~~viction, civil infraction determination, or other moving viola-~~
6 ~~tion or accident of the person while operating a school bus pur-~~
7 ~~suant to this act.~~ A SCHOOL ADMINISTRATOR OR A PERSON OR ENTITY
8 UNDER CONTRACT WITH A SCHOOL TO PROVIDE PUPIL TRANSPORTATION
9 SERVICES SHALL NOT PERMIT A PERSON TO OPERATE A SCHOOL BUS, PUPIL
10 TRANSPORTATION VEHICLE, OR SCHOOL TRANSPORTATION VEHICLE AS
11 DEFINED IN SECTION 57C OF THE MICHIGAN VEHICLE CODE, ACT NO. 300
12 OF THE PUBLIC ACTS OF 1949, BEING SECTION 257.57C OF THE MICHIGAN
13 COMPILED LAWS, FOR THE SCHEDULED TRANSPORTATION OF PUPILS TO OR
14 FROM SCHOOL OR SCHOOL-RELATED EVENTS IF THAT PERSON HAS 7 OR MORE
15 PENALTY POINTS ON HIS OR HER DRIVING RECORD UNDER SECTION 320A OF
16 THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF
17 1949, BEING SECTION 257.320A OF THE MICHIGAN COMPILED LAWS.

18 SEC. 50. ALL INCIDENTS REPORTABLE UNDER SECTION 63 SHALL BE
19 REVIEWED BY THE SCHOOL ADMINISTRATOR OR A PERSON OR ENTITY UNDER
20 CONTRACT WITH A SCHOOL TO PROVIDE PUPIL TRANSPORTATION SERVICES.
21 THE LOCAL OR INTERMEDIATE BOARD OF EDUCATION OR A PERSON OR
22 ENTITY UNDER CONTRACT WITH A SCHOOL TO PROVIDE PUPIL TRANSPORTA-
23 TION SERVICES SHALL ADOPT AN ACCIDENT REVIEW POLICY. SAMPLE POL-
24 ICIES SHALL BE MADE AVAILABLE FROM THE DEPARTMENT OF EDUCATION.

25 Sec. 51. (1) ~~A~~ THE driver of a school bus ~~transporting~~
26 ~~passengers~~ or ~~a driver of a~~ pupil transportation vehicle used
27 for the ~~regularly~~ scheduled transportation of ~~passengers~~

1 PUPILS to ~~and~~ OR from school ~~and home~~ OR SCHOOL-RELATED
2 EVENTS shall have in his or her possession a certificate stating
3 that he or she has enrolled in the entry level school bus safety
4 education course or has successfully completed a course in school
5 bus safety education within the immediately preceding 2 years.
6 The entry level course shall be available to the school bus
7 driver within 90 days of enrollment. Enrollment certificates
8 shall expire 10 days after the end of the entry level course in
9 which the driver is enrolled. A second enrollment certificate
10 shall not be issued UNLESS EXTENUATING CIRCUMSTANCES BEYOND THE
11 DRIVER'S CONTROL CAN BE VERIFIED IN WRITING AND PRESENTED TO THE
12 DEPARTMENT OF EDUCATION, AT WHICH TIME AN EXTENSION OF THE
13 ENROLLMENT PERIOD MAY BE GRANTED PURSUANT TO POLICIES ESTABLISHED
14 BY THE DEPARTMENT OF EDUCATION. The entry level course and sub-
15 sequent 6-hour continuing education ~~course~~ COURSES shall be
16 approved by the superintendent of public instruction and shall be
17 provided by an approved educational agency. The certificate of
18 successful completion of each course shall be prescribed by the
19 superintendent of public instruction and successfully completed
20 by an instructor of the course. Failure to successfully complete
21 the entry level course or to complete the 6-hour continuing edu-
22 cation course ~~within~~ EVERY 2 years after certification of suc-
23 cessful completion of ~~a prior~~ THE ENTRY LEVEL course shall be
24 reported by the instructional agency to the department of educa-
25 tion and to the school which employs the driver. A driver who
26 fails to successfully complete the entry level course within 90
27 days after enrollment or to meet the continuing education

1 requirements shall not be permitted to drive a school bus
2 ~~transporting passengers~~ or a pupil transportation vehicle used
3 for the ~~regularly~~ scheduled transportation of ~~passengers~~
4 PUPILS to ~~and~~ OR from school ~~and home~~ OR SCHOOL-RELATED
5 EVENTS.

6 (2) The person or persons ~~in charge of~~ SUPERVISING school
7 bus operations ~~at~~ FOR a school OR A PERSON OR ENTITY UNDER CON-
8 TRACT WITH A SCHOOL shall have, at a minimum, successfully com-
9 pleted the introductory school bus safety education course estab-
10 lished in subsection (1) and shall complete not less than 6 hours
11 of continuing education every 2 years. The continuing education
12 course or courses shall be approved by the superintendent of
13 public instruction and shall be provided by an approved educa-
14 tional agency. A SUPERVISOR FAILING TO MEET THE ENTRY LEVEL
15 COURSE OR CONTINUING EDUCATION REQUIREMENTS DESCRIBED IN THIS
16 SECTION SHALL NOT BE ELIGIBLE TO BE IN CHARGE OF SCHOOL BUS
17 OPERATIONS. A SCHOOL EMPLOYING OR CONTRACTING FOR A PERSON IN
18 CHARGE OF SCHOOL BUS OPERATIONS FAILING TO MEET THE REQUIREMENTS
19 OF THIS SECTION SHALL FORFEIT ALL DRIVER AND SUPERVISOR TRAINING
20 STATE AID DURING THE SCHOOL YEAR THE SUPERVISOR WAS DECLARED
21 INELIGIBLE.

22 (3) The cost of any course instruction and the base rate of
23 compensation of the driver shall be reimbursed by the state on an
24 equal basis for public and nonpublic schools as provided for by
25 the department of education. Attendance by a person at an entry
26 level course, a continuing education course, or an on-road driver
27 skills test as required by this section or section 52 shall be

1 considered compensable work time by the school and the person
2 shall be paid at not less than their base rate as determined by
3 their individual contract of employment or their contractual rate
4 as negotiated between the school and the person's collective bar-
5 gaining representative.

6 (4) The legislature shall appropriate the funds necessary to
7 implement this section and section 52.

8 (5) The department of education shall report to the legisla-
9 ture the cost of implementing this section and section 52 by
10 January 1, 1991.

11 Sec. 52. ~~-(1) The department shall administer an on road~~
12 ~~driver skills test as developed by the department and the school~~
13 ~~bus safety advisory committee created under section 70 and~~
14 ~~approved by the state board of education.~~

15 ~~-(2) The on road driver skills test is to be conducted by an~~
16 ~~examiner not employed by the same agency or school of the driver~~
17 ~~being tested.~~

18 ~~-(3) The on road driver skills test shall be administered to~~
19 ~~each school bus and pupil transportation vehicle driver who has~~
20 ~~met the minimum threshold for a required safety evaluation as~~
21 ~~established by the department and the school bus safety advisory~~
22 ~~committee and approved by the state board of education. The~~
23 ~~on road driver skills test shall be administered within 30 days~~
24 ~~after a driver has met the established minimum threshold.~~

25 ~~-(4) In addition to any on road driver skills test or tests~~
26 ~~given to a driver who has met the minimum threshold for a~~
27 ~~required on road driver skills test, the department shall~~

~~1 implement a requirement for the testing of each school bus and~~
~~2 pupil transportation vehicle driver within each 4 year period~~
~~3 that the person is assigned to drive a school bus or pupil trans-~~
~~4 portation vehicle if the on road testing is recommended by the~~
~~5 school bus safety advisory committee and approved by the state~~
~~6 board of education.~~ (1) THE DRIVER OF A SCHOOL BUS OR PUPIL
7 TRANSPORTATION VEHICLE SHALL TAKE A DRIVER SKILLS TEST AS ESTAB-
8 LISHED BY THE DEPARTMENT OF EDUCATION AND THE SCHOOL BUS SAFETY
9 ADVISORY COMMITTEE CREATED UNDER SECTION 70 AND APPROVED BY THE
10 STATE BOARD OF EDUCATION, EXCEPT AS PROVIDED IN SUBSECTION (2).

11 A DRIVER SKILLS TEST SHALL INCLUDE AN ON-ROAD DRIVING TEST.

12 (2) THE DRIVER OF A SCHOOL BUS OR PUPIL TRANSPORTATION VEHI-
13 CLE WHO FAILS TO MEET MINIMUM DRIVER COMPETENCY PERFORMANCE STAN-
14 DARDS AS ESTABLISHED BY THE DEPARTMENT OF EDUCATION AND THE
15 SCHOOL BUS SAFETY ADVISORY COMMITTEE CREATED UNDER SECTION 70 AND
16 APPROVED BY THE STATE BOARD OF EDUCATION SHALL SUCCESSFULLY COM-
17 PLETE A DRIVER SKILLS TEST AS PROVIDED IN THIS SECTION WITHIN 30
18 DAYS AFTER FAILING TO MEET THE MINIMUM DRIVER COMPETENCY PER-
19 FORMANCE STANDARDS.

20 (3) THE DEPARTMENT OF EDUCATION SHALL ADMINISTER THE DRIVER
21 SKILLS TEST PROGRAM, WHICH SHALL BE CONDUCTED BY AN EXAMINER NOT
22 EMPLOYED BY THE SAME AGENCY OR SCHOOL OF THE DRIVER BEING TESTED.

23 (4) ~~-(5)-~~ A driver who fails to successfully complete the
24 ~~on road~~ driver skills test shall not be permitted to drive a
25 school bus or pupil transportation vehicle. ~~used for the regu-~~
26 ~~larly scheduled transportation of passengers to and from school~~
27 ~~and home.~~ A driver who fails the ~~on road~~ driver skills test

1 ~~required by~~ ADMINISTERED PURSUANT TO this section may retake
2 the test under ~~guidelines~~ A POLICY developed by the department
3 OF EDUCATION and the school bus safety advisory committee and
4 approved by the state board of education.

5 (5) ~~-(6)-~~ A school ADMINISTRATOR OR PERSON OR ENTITY UNDER
6 CONTRACT WITH A SCHOOL TO PROVIDE PUPIL TRANSPORTATION SERVICES
7 may require all of its school bus and pupil transportation vehi-
8 cle drivers to take the ~~on-road~~ driver skills test as
9 ~~developed by the department and the school bus safety advisory~~
10 ~~committee created under section 70 and approved by the state~~
11 ~~board of education~~ CONSIDERED NECESSARY TO ENSURE ACCEPTABLE
12 DRIVER'S PERFORMANCE.

13 Sec. 53. (1) All regular drivers and substitute drivers of
14 school buses ~~transporting passengers~~ and pupil transportation
15 vehicles ~~used for the regularly scheduled transportation of pas-~~
16 ~~sengers to and from home~~ shall, at a minimum, meet the following
17 qualifications:

18 (a) The requirements of sections 49 and 51.

19 (b) For a school bus or pupil transportation vehicle operat-
20 ing in intrastate transportation, the annual physical require-
21 ments for school bus and pupil transportation vehicle drivers as
22 authorized by the superintendent of public instruction. In meet-
23 ing these physical requirements, the driver shall be examined by
24 a licensed physician and shall present the physician's certifi-
25 cate to the employer.

26 (c) An employer who has reason to believe that a driver is
27 not physically qualified to drive may require a physical

1 examination for that driver in accordance with subdivision (b) at
2 more frequent intervals. If an employer requests a physical
3 examination under this subdivision, the employer shall indicate
4 in writing what physical impairment covered under the require-
5 ments of subdivision (b) the driver is to be examined for and
6 shall only be entitled to that portion of the examination results
7 which pertain to that impairment. An examination requested by
8 the employer under this subdivision shall be paid for by the
9 employer.

10 (d) A copy of the physician's certificate for a driver shall
11 be carried by that driver while he or she is operating a school
12 bus or pupil transportation vehicle.

13 (2) A record of each employed school bus or pupil transpor-
14 tation vehicle driver, including a copy of his or her physician's
15 certificate, department of education certification, driver
16 license, certificate of road test application for employment, and
17 any other information that relates to driver qualification or
18 ability to safely drive a school bus or pupil transportation
19 vehicle, shall be maintained in the employer's administrative
20 office.

21 (3) A school shall submit transportation safety related doc-
22 uments, such as driver qualification records, and vehicle mainte-
23 nance records upon request for inspection and copying to motor
24 carrier officers or vehicle inspectors of the department of state
25 police.

26 (4) Upon receipt of an application from a person for the
27 position of school bus driver or pupil transportation vehicle

1 driver, a school shall request from the department of state
2 police a background check to determine whether the person was
3 convicted of any of the following offenses:

4 (a) Criminal sexual conduct in any degree.

5 (b) Assault with intent to commit criminal sexual conduct.

6 (c) An attempt to commit criminal sexual conduct in any
7 degree.

8 (d) Felonious assault on a child, child abuse, or cruelty,
9 torture, or indecent exposure involving a child.

10 (e) A violation of section 145c of the Michigan penal code,
11 Act No. 328 of the Public Acts of 1931, being section 750.145c of
12 the Michigan Compiled Laws.

13 (5) A person shall not smoke on a school bus or pupil trans-
14 portation vehicle. ~~within 1 hour before use of the school bus or~~
15 ~~pupil transportation vehicle by pupils.~~

16 (6) A person shall not possess or consume alcoholic liquor
17 or a controlled substance on a school bus or pupil transportation
18 vehicle.

19 Sec. 55. (1) A school bus driver shall actuate alternately
20 flashing lights only when the school bus is stopped or stopping
21 on a highway or private road for the purpose of receiving or dis-
22 charging pupils in the manner provided in this act. A school bus
23 driver shall not actuate the alternately flashing lights when
24 operating on a public highway or private road and transporting
25 passengers primarily other than school pupils.

26 (2) The driver of a school bus while operating upon the
27 public highways or private roadways open to the public shall

1 receive or discharge pupils from the bus in the following
2 manner:

3 (a) If pupils are required to cross the roadway, the driver
4 of a school bus equipped with only the alternately flashing
5 OVERHEAD red lights in accordance with section 17 shall activate
6 the ALTERNATELY flashing OVERHEAD red lights not less than 200
7 feet before the stop, ~~and park~~ STOP the school bus as far ~~off~~
8 TO the right side of the roadway or private road as possible TO
9 PROVIDE for the safety of the pupils being boarded or discharged,
10 and continue to activate the alternately flashing OVERHEAD red
11 lights while receiving or discharging pupils. Before resuming
12 motion, the driver shall deactivate these lights and allow con-
13 gested traffic to disperse where practicable. The deactivation
14 of these lights is the signal for stopped traffic to proceed.

15 (b) If the pupils are required to cross the roadway, the
16 driver of a school bus equipped with red and amber alternately
17 flashing OVERHEAD lights in accordance with section 19 shall
18 activate the alternately flashing OVERHEAD amber lights not less
19 than 200 feet before the stop, ~~park~~ STOP the bus as far ~~off~~
20 TO the right side of the roadway or private road as is possible
21 TO PROVIDE for the safety of the pupils being boarded or dis-
22 charged, deactivate the ALTERNATELY OVERHEAD amber flashing
23 lights, and activate the alternately flashing OVERHEAD red lights
24 while receiving or discharging pupils. Before resuming motion,
25 the driver shall deactivate these lights and allow congested
26 traffic to disperse where practicable. The deactivation of these
27 lights is the signal for stopped traffic to proceed.

1 (c) If the pupils are not required to cross the roadway and
2 where the road has adequate width for the school bus to be pulled
3 to the far right of the roadway or private road allowing traffic
4 to flow and to provide for the safety of pupils being boarded or
5 discharged, the driver may activate the hazard warning lights not
6 less than 200 feet before the stop and continue to display the
7 lights until the process of receiving or discharging passengers
8 has been completed if the ~~posted~~ LAWFUL speed limit is 35 miles
9 per hour or less. Before resuming motion, the driver shall deac-
10 tivate these lights. The driver of a school bus shall only use
11 this procedure at stops where the school administrator or ~~board~~
12 ~~approved contractor~~ PERSON OR ENTITY UNDER CONTRACT WITH A
13 SCHOOL TO PROVIDE PUPIL TRANSPORTATION SERVICES has approved its
14 use. If this hazard warning light option is not used, the driver
15 shall use the appropriate procedure in subdivision (a) or (b) as
16 if pupils were required to cross the roadway.

17 (d) Except as provided in subdivision (c), if the pupils are
18 not required to cross the roadway and where the bus may be pulled
19 off the roadway or private road or where the road has adequate
20 width for the school bus to be pulled off to the far right of the
21 roadway or private road leaving the normal traffic flow unob-
22 structed and to provide for the safety of pupils being boarded or
23 discharged, the driver may activate the hazard warning lights not
24 less than 200 feet before the stop and continue to display the
25 lights until the process of receiving or discharging passengers
26 has been completed. Before resuming motion, the driver shall
27 deactivate these lights. The driver of a school bus shall only

1 use this procedure at stops where the school administrator or
2 ~~board approved contractor~~ PERSON OR ENTITY UNDER CONTRACT WITH
3 A SCHOOL TO PROVIDE PUPIL TRANSPORTATION SERVICES has approved
4 its use. If this hazard warning light option is not used, the
5 driver shall use the appropriate procedure in subdivision (a) or
6 (b) as if pupils were required to cross the roadway.

7 (e) The distance of not less than 200 feet required for
8 light activation by this subsection shall be measured on the
9 roadway or private road on which the stop is made for receiving
10 or discharging pupils.

11 (3) ~~Passengers~~ PUPILS crossing the road upon being dis-
12 charged from a school bus shall cross in front of the stopped
13 school bus. If a school district authorizes its school bus driv-
14 ers to signal pupils to cross in front of the stopped school bus,
15 the signal shall be uniform throughout the school district.

16 (4) The driver of a school bus shall not stop the bus for
17 the purpose of receiving or discharging pupils in the following
18 instances:

19 (a) Within 200 feet of a public highway or roadway intersec-
20 tion unless the stop is approved by the school administrator or
21 board approved contractor.

22 (b) Upon a limited access highway or freeway, or upon any
23 other highway or roadway that has been divided into 2 roadways by
24 leaving an intervening space, a physical barrier, or clearly
25 divided sections so constructed as to impede vehicular traffic if
26 the pupils are required to cross the highway or roadway.

1 (c) Upon a ~~highway or~~ roadway constructed ~~or designed~~ OR
2 MARKED to permit 3 or more separate lanes of vehicular traffic in
3 either direction if the pupils are required to cross the highway
4 or roadway.

5 (5) The driver of a school bus when using the alternately
6 flashing OVERHEAD red ~~stopping~~ lights shall not stop the bus
7 for the purpose of receiving or discharging pupils in the follow-
8 ing instances:

9 (a) Unless the bus is clearly and continuously visible in
10 its stopped position to approaching vehicles on that highway or
11 roadway for not less than 400 feet. THIS REQUIREMENT SHALL APPLY
12 ON A ROADWAY WITH A LAWFUL SPEED LIMIT OF MORE THAN 35 MILES PER
13 HOUR.

14 (B) UNLESS THE BUS IS CLEARLY AND CONTINUOUSLY VISIBLE IN
15 ITS STOPPED POSITION TO APPROACHING VEHICLES ON THAT HIGHWAY OR
16 ROADWAY FOR NOT LESS THAN 200 FEET. THIS REQUIREMENT SHALL APPLY
17 ON A ROADWAY WITH A LAWFUL SPEED LIMIT OF 35 MILES PER HOUR OR
18 LESS.

19 (C) ~~(b)~~ Within 50 feet of an intersection WHERE TRAFFIC IS
20 CONTROLLED BY A TRAFFIC STOP AND GO SIGNAL.

21 (6) A school may provide instruction on proper school bus
22 etiquette which may include, but not be limited to, boarding and
23 leaving the bus, evacuation of the bus in an emergency, and road
24 crossing procedures and the correct hand signal in the district,
25 if any. If a school uses school bus drivers for this instruc-
26 tion, the state board may reimburse the school for this
27 training.

1 (7) For the purpose of this section, "required to cross the
2 highway or roadway" does not include crossing the road with the
3 assistance of a traffic control signal, or with the assistance of
4 a crossing guard as defined in section 57b of the Michigan vehi-
5 cle code, Act No. 300 of the Public Acts of 1949, being
6 section 257.57b of the Michigan Compiled Laws, and applies only
7 to the road on which the stop is being made.

8 Sec. 57. (1) Except as provided in subsections (2), (3),
9 and (4), the driver of a school bus, before crossing a railroad
10 track at grade, shall ACTIVATE HAZARD WARNING LIGHTS NOT LESS
11 THAN 100 FEET BEFORE THE CROSSING, stop the vehicle within 50
12 feet but not less than 15 feet from the nearest rail, ~~activate~~
13 ~~hazard warning lights,~~ turn off all interior switches including
14 fans, heaters, and radios, open the passenger door and
15 driver-side window, and while stopped shall listen and look in
16 both directions along the track OR TRACKS for an approaching
17 train and for signals indicating the approach of a train, and
18 shall not proceed until the driver can do so safely. After stop-
19 ping as required in this subsection, and upon proceeding when it
20 is safe to do so, the driver of the vehicle shall cross only in a
21 gear of the vehicle that does not require changing gears while
22 traversing the crossing. The driver shall CLOSE THE PASSENGER
23 DOOR BEFORE PROCEEDING ACROSS THE TRACKS, AND SHALL not shift
24 gears while crossing the track or tracks. HAZARD WARNING LIGHTS
25 SHALL NOT BE DEACTIVATED UNTIL THE BUS HAS COMPLETELY CLEARED THE
26 TRACKS.

1 (2) A stop need not be made at a railroad track grade
2 crossing where a police officer or a traffic-control signal
3 directs traffic to proceed.

4 (3) A stop need not be made at an abandoned railroad track
5 grade crossing. As used in this subsection, "abandoned railroad
6 track" means a railroad track which meets all of the following
7 requirements:

8 (a) The track has been abandoned pursuant to Act No. 56 of
9 the Public Acts of 1919, being sections 469.241 to 469.246 of the
10 Michigan Compiled Laws; section 14 of Act No. 300 of the Public
11 Acts of 1909, being section 462.14 of the Michigan Compiled Laws;
12 or federal law.

13 (b) The track has been covered or removed.

14 (c) All signs, signals, and other warning devices are
15 removed.

16 (4) A stop shall not be made at a railroad track grade
17 crossing on a freeway or limited access highway where the cross-
18 ing is protected by a clearly visible signal, crossing gate, or
19 barrier at a time when the signal, crossing gate, or barrier is
20 not activated.

21 (5) A person who violates this section is responsible for a
22 civil infraction.

23 Sec. 59. (1) A driver of a school bus OR PUPIL TRANSPORTA-
24 TION VEHICLE shall not transport or permit to be transported on a
25 school bus OR PUPIL TRANSPORTATION VEHICLE while transporting
26 pupils to ~~and~~ OR from school OR SCHOOL-RELATED EVENTS a person
27 other than pupils, ~~persons enrolled in a school-sponsored~~

1 ~~preschool program authorized by state or federal statute,~~
2 teachers or chaperons of the pupils or other persons authorized
3 by the school for the protection of property or the health,
4 safety, and welfare of the pupils or persons attending other
5 school related functions, or both. This subsection shall not
6 apply during the transportation of persons under section 65.

7 (2) After the fourth Friday following Labor day of each
8 school year a school bus shall not be used to transport more than
9 100% of the number of persons for which the school bus has a
10 rated seating capacity. OTHER THAN IN AN EMERGENCY AS DETERMINED
11 BY THE SCHOOL ADMINISTRATOR, A SCHOOL BUS OR PUPIL TRANSPORTATION
12 VEHICLE SHALL NOT BE USED TO TRANSPORT MORE PASSENGERS THAN THERE
13 ARE AVAILABLE SEATING POSITIONS IN WHICH EACH PASSENGER MAY BE
14 PROPERLY SEATED.

15 (3) AS USED IN THIS SECTION, "EMERGENCY" MEANS AN UNFORESEEN
16 OR UNEXPECTED EVENT IN WHICH THE HEALTH, SAFETY, OR WELFARE OF
17 PUPILS WOULD BE THREATENED IF THE SEATING REQUIREMENTS IN THIS
18 SECTION WERE ENFORCED.

19 (4) ~~-(3)-~~ A person who violates or directs a violation of
20 this section is responsible for a civil infraction.

21 Sec. 63. (1) A school shall report the following incidents
22 to the department of education on the national association of
23 pupil transportation accident reporting format:

24 (a) Each incident that results in a fire on a school bus or
25 pupil transportation vehicle.

26 (b) Each school bus or pupil transportation vehicle accident
27 that results in property damage of \$500.00 or more.

1 (c) Each school bus or pupil transportation vehicle accident
2 that results in personal injuries to passengers, pedestrians, or
3 drivers.

4 (2) The department OF EDUCATION shall compile ~~a~~ AN ANNUAL
5 summary report of the data received pursuant to subsection (1)
6 and shall return a copy of the report to each school DISTRICT
7 with any recommendations for change WITHIN 45 DAYS AFTER THE
8 CLOSE OF THE SCHOOL DISTRICT'S FISCAL YEAR.

9 (3) Nothing in this section shall be construed to eliminate,
10 modify or restrict any of the rights or collective bargaining
11 agreements school employees have under Act No. 336 of the Public
12 Acts of 1947, being sections 423.201 to 423.216 of the Michigan
13 Compiled Laws.

14 Sec. 65. (1) ~~Pursuant to an agreement made under subsec-~~
15 ~~tion (4), a~~ A school may permit the use of a school bus which is
16 not otherwise being used for school purposes by an organization
17 or group for purposes of transporting senior citizens or retired
18 or disabled persons, or by a nonprofit organization for purposes
19 of transporting its members to or from an activity, event, or
20 outing, if the school determines that suitable or economically
21 feasible public or private transportation is not available for
22 this purpose. Mileage, insurance, and other costs may be paid by
23 the group or organization or may be waived by the school.

24 (2) A school may permit the use of a school bus for the pur-
25 poses of transporting persons other than pupils to
26 school-sponsored events. The school may collect a fee for
27 transporting persons other than pupils to or from

1 school-sponsored events to cover expenses for the trips
2 involved. Insurance to indemnify the school, its officers, or
3 employees against liability for damages arising out of the use of
4 school buses shall be obtained before persons other than pupils
5 are transported and fees charged. The pupils of the school shall
6 be given first priority for any transportation furnished by the
7 school.

8 (3) A school shall not purchase additional school buses for
9 the sole purpose of implementing this section.

10 (4) A local unit of government, including a city, county,
11 village, or township, may enter into an agreement with a school
12 within its area for the use of school buses to transport senior
13 citizens or retired or disabled persons, or members of a non-
14 profit organization, subject to the same terms and conditions
15 provided in subsection (1) and subject to the terms and condi-
16 tions in subsection (5).

17 (5) A school may contract with a federal, state, or local
18 unit of government or an authorized government subcontractor for
19 the use of a school bus to transport persons, if all of the fol-
20 lowing conditions exist:

21 (a) The school bus is not being used for school purposes.

22 (b) The persons are to be transported to or from an activity
23 which is sponsored or operated by the unit of government.

24 (c) The school bus is not to be used for transporting
25 freight, goods, or merchandise other than that which is carried
26 on the laps of individual passengers.

1 (d) A subcontractor of a unit of government has obtained
2 written evidence of a contract with the governmental agency which
3 shows that the subcontractor is authorized to expend funds for
4 the transportation for which the use of a school bus is
5 requested.

6 (e) It is determined that other suitable or economical
7 transportation is not available.

8 (6) A school bus shall be returned in adequate time to be
9 properly checked and serviced for its scheduled route
10 assignment.

11 (7) As used in this section, "nonprofit organization" means
12 any 1 of the following:

13 (a) A corporation organized under the nonprofit corporation
14 act, Act No. 162 of the Public Acts of 1982, being sections
15 450.2101 to 450.3192 of the Michigan Compiled Laws.

16 (b) A corporation to which the nonprofit corporation act
17 applies as provided in sections 121 and 123 of Act No. 162 of the
18 Public Acts of 1982, being sections 450.2121 and 450.2123 of the
19 Michigan Compiled Laws.

20 (c) A group, society, organization, or association organized
21 to carry out any lawful purpose not involving pecuniary profit or
22 gain for its officers, trustees, or members.

23 (8) Nothing in this section shall be construed to eliminate,
24 modify or restrict any of the rights or collective bargaining
25 agreements school employees have under Act No. 336 of the Public
26 Acts of 1947, being sections 423.201 to 423.216 of the Michigan
27 Compiled Laws.

1 Section 2. Section 61 of Act No. 187 of the Public Acts of
2 1990, being section 257.1861 of the Michigan Compiled Laws, is
3 repealed.

4 Section 3. This amendatory act shall take effect January 1,
5 1992.

6 Section 4. This amendatory act shall not take effect unless
7 Senate Bill No. 623
8 of the 86th Legislature is enacted into law.