



SENATE BILL No. 1083

April 12, 1994, Introduced by Senator DILLINGHAM and referred to the Committee on Transportation and Tourism

A bill to amend sections 51, 63, and 65 of Act No 187 of the Public Acts of 1990 entitled "The pupil transportation act " being sections 257 1851 257 1863 and 257 1865 of the Michigan Compiled Laws and to add section 50

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 51, 63, and 65 of Act No 187 of the
2 Public Acts of 1990, being sections 257 1851, 257 1863, and
3 257 1865 of the Michigan Compiled Laws, are amended and section
4 50 is added to read as follows

5 SEC 50 ALL INCIDENTS REPORTABLE UNDER SECTION 63 SHALL BE
6 REVIEWED BY THE SCHOOL ADMINISTRATOR OR A PERSON OR ENTITY UNDER
7 CONTRACT WITH A SCHOOL TO PROVIDE PUPIL TRANSPORTATION SERVICES
8 THE LOCAL OR INTERMEDIATE BOARD OF EDUCATION OR A PERSON OR
9 ENTITY UNDER CONTRACT WITH A SCHOOL TO PROVIDE PUPIL

1 TRANSPORTATION SERVICES SHALL ADOPT AN ACCIDENT REVIEW POLICY
2 SAMPLE POLICIES SHALL BE MADE AVAILABLE FROM THE DEPARTMENT OF
3 EDUCATION

4 Sec 51 (1) ~~A~~ THE driver of a school bus ~~transporting~~
5 ~~passengers~~ or ~~a driver of a~~ pupil transportation vehicle
6 ~~used~~ OPERATED for the ~~regularly~~ PURPOSE OF scheduled trans-
7 portation of ~~passengers~~ PUPILS to ~~and~~ OR from school ~~and~~
8 ~~home~~ OR SCHOOL-RELATED EVENTS shall have in his or her posses-
9 sion a certificate stating that he or she has enrolled in the
10 entry level school bus safety education course or has success-
11 fully completed a course in school bus safety education within
12 the immediately preceding 2 years The entry level course shall
13 be available to the school bus driver within 90 days of
14 enrollment Enrollment certificates shall expire 10 days after
15 the end of the entry level course in which the driver is
16 enrolled A second enrollment certificate shall not be issued
17 UNLESS EXTENUATING CIRCUMSTANCES BEYOND THE DRIVER'S CONTROL CAN
18 BE VERIFIED IN WRITING AND PRESENTED TO THE DEPARTMENT OF EDUCA-
19 TION, AT WHICH TIME AN EXTENSION OF THE ENROLLMENT PERIOD MAY BE
20 GRANTED PURSUANT TO POLICIES ESTABLISHED BY THE DEPARTMENT OF
21 EDUCATION The entry level course and subsequent 6-hour continu-
22 ing education ~~course~~ COURSES shall be approved by the superin-
23 tendent of public instruction and shall be provided by an
24 approved educational agency The certificate of successful com-
25 pletion of each course shall be prescribed by the superintendent
26 of public instruction and ~~successfully completed~~ SIGNED by an
27 instructor OR THE ADMINISTRATOR of the course Failure to

1 successfully complete the entry level course or to complete the
2 6-hour continuing education course ~~within~~ EVERY 2 years after
3 certification of successful completion of ~~a prior~~ THE ENTRY
4 LEVEL course shall be reported by the instructional agency to the
5 department of education and to the school which employs the
6 driver A driver who fails to successfully complete the entry
7 level course within 90 days after enrollment or to meet the con-
8 tinuing education requirements shall not be permitted to drive a
9 school bus ~~transporting passengers~~ or a pupil transportation
10 vehicle used for the ~~regularly~~ scheduled transportation of
11 ~~passengers~~ PUPILS to ~~and~~ OR from school ~~and home~~ OR

12 SCHOOL-RELATED EVENTS

13 (2) The person or persons ~~in charge of~~ SUPERVISING school
14 bus operations ~~at~~ FOR a school OR A PERSON OR ENTITY UNDER CON-
15 TRACT WITH A SCHOOL TO PROVIDE PUPIL TRANSPORTATION SERVICES
16 shall have, at a minimum, successfully completed the introductory
17 school bus safety education course established in subsection (1)
18 and shall complete not less than 6 hours of continuing education
19 every 2 years A PERSON OR ENTITY UNDER CONTRACT WITH A SCHOOL
20 TO PROVIDE PUPIL TRANSPORTATION SERVICES SHALL PROVIDE THE SCHOOL
21 WITH WRITTEN VERIFICATION OF SUCCESSFUL COMPLETION OF THE
22 REQUIREMENTS OF THIS SUBSECTION The continuing education course
23 or courses shall be approved by the superintendent of public
24 instruction and shall be provided by an approved educational
25 agency A SUPERVISOR FAILING TO MEET THE ENTRY LEVEL COURSE OR
26 CONTINUING EDUCATION REQUIREMENTS DESCRIBED IN THIS SECTION SHALL
27 NOT BE ELIGIBLE TO BE IN CHARGE OF SCHOOL BUS OPERATIONS A

1 SCHOOL EMPLOYING OR CONTRACTING FOR A PERSON IN CHARGE OF SCHOOL
2 BUS OPERATIONS FAILING TO MEET THE REQUIREMENTS OF THIS SECTION
3 SHALL FORFEIT ALL DRIVER AND SUPERVISOR TRAINING STATE AID DURING
4 THE SCHOOL YEAR THE SUPERVISOR WAS DECLARED INELIGIBLE

5 (3) The cost of any course instruction and the base rate of
6 compensation of the driver shall be reimbursed by the state on an
7 equal basis for public and nonpublic schools as provided for by
8 the department of education Attendance by a person at an entry
9 level course, a continuing education course, or an on-road driver
10 skills test as required by this section or section 52 shall be
11 considered compensable work time by the school and the person
12 shall be paid at not less than their base rate as determined by
13 their individual contract of employment or their contractual rate
14 as negotiated between the school and the person's collective bar-
15 gaining representative

16 (4) The legislature shall appropriate the funds necessary to
17 implement this section and section 52

18 (5) The department of education shall report to the legisla-
19 ture the cost of implementing this section and section 52 by
20 January 1 1991

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,
25 ~~or~~ pupil transportation vehicle OR SCHOOL TRANSPORTATION
26 VEHICLE

1 (b) Each school bus ~~or~~ pupil transportation vehicle OR
2 SCHOOL TRANSPORTATION VEHICLE accident that results in property
3 damage of \$500 00 or more

4 (c) Each school bus, ~~or~~ pupil transportation vehicle, OR
5 SCHOOL TRANSPORTATION VEHICLE accident that results in personal
6 injuries to passengers pedestrians, or drivers

7 (2) The department OF EDUCATION shall compile ~~a~~ AN ANNUAL
8 summary report of the data received pursuant to subsection (1)
9 and shall return a copy of the report to each school DISTRICT
10 with any recommendations for change WITHIN 45 DAYS AFTER JUNE
11 30

12 (3) ~~Nothing in this~~ THIS section shall NOT be construed to
13 eliminate modify or restrict any of the rights or collective
14 bargaining agreements school employees have under Act No 336 of
15 the Public Acts of 1947, being sections 423 201 to 423 216 of the
16 Michigan Compiled Laws

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

1 (2) A school may permit the use of a school bus for the
2 purposes of transporting persons other than pupils to
3 school-sponsored events The school may collect a fee for trans-
4 porting persons other than pupils to or from school-sponsored
5 events to cover expenses for the trips involved Insurance to
6 indemnify the school its officers or employees against liabil-
7 ity for damages arising out of the use of school buses shall be
8 obtained before persons other than pupils are transported and
9 fees charged The pupils of the school shall be given first pri-
10 ority for any transportation furnished by the school

11 (3) A school shall not purchase additional school buses for
12 the sole purpose of implementing this section

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

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

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

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

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

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

9 (e) It is determined that other suitable or economical
10 transportation is not available

11 (6) A school bus shall be returned in adequate time to be
12 properly checked and serviced for its scheduled route
13 assignment

14 (7) As used in this section "nonprofit organization" means
15 any 1 of the following

16 (a) A corporation organized under the nonprofit corporation
17 act Act No 162 of the Public Acts of 1982 being sections
18 450 2101 to 450 3192 of the Michigan Compiled Laws

19 (b) A corporation to which the nonprofit corporation act
20 applies as provided in sections 121 and 123 of Act No 162 of the
21 Public Acts of 1982 being sections 450 2121 and 450 2123 of the
22 Michigan Compiled Laws

23 (c) A group, society, organization, or association organized
24 to carry out any lawful purpose not involving pecuniary profit or
25 gain for its officers, trustees, or members

26 (8) Nothing in this section shall be construed to eliminate,
27 modify or restrict any of the rights or collective bargaining

1 agreements school employees have under Act No 336 of the Public
2 Acts of 1947 being sections 423 201 to 423 216 of the Michigan
3 Compiled Laws

4 Section 2 This amendatory act shall take effect June 30,
5 1994