

SENATE BILL NO. 1358

November 10, 1998, Introduced by Senator NORTH and referred to the Committee on Transportation and Tourism.

A bill to amend 1990 PA 187, entitled
"The pupil transportation act,"
by amending sections 5, 7, 10, 10a, 17, 19, and 55 (MCL 257.1805, 257.1807, 257.1810, 257.1810a, 257.1817, 257.1819, and 257.1855), section 7 as amended by 1992 PA 227, section 10 as amended by 1996 PA 191, section 10a as added by 1990 PA 322, and section 55 as amended by 1991 PA 184.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) "Modified school bus" means a school bus of any
2 age with a factory installed fuel system ~~which~~ THAT has been
3 modified to operate on a fuel source other than gasoline or
4 diesel fuel.

5 (2) "MOTOR BUS" MEANS THAT TERM AS DEFINED IN SECTION 3 OF
6 THE MOTOR BUS TRANSPORTATION ACT, 1982 PA 432, MCL 474.103.

1 (3) ~~-(2)-~~ "Nonpublic school" means a private school, a
2 denominational school, or a parochial school as defined by law.

3 (4) ~~-(3)-~~ "Public school" means a local school district, a
4 local act school district, A PUBLIC SCHOOL ACADEMY, A UNIVERSITY
5 SCHOOL, or an intermediate school district as defined by law.

6 (5) ~~-(4)-~~ "Pupil transportation vehicle" means any vehicle
7 other than a school bus WITH A MANUFACTURER'S RATED SEATING
8 CAPACITY OF 11 OR MORE PASSENGERS, INCLUDING THE DRIVER, THAT IS
9 used to transport pupils to or from school or school-related
10 events. Pupil transportation vehicle does not include a vehicle
11 operated by a ~~municipally owned transportation system or by a~~
12 ~~carrier certified by the state transportation department~~ MOTOR
13 CARRIER OF PASSENGERS OR A PUBLIC TRANSIT AGENCY, OR A VEHICLE
14 USED BY A PARENT OR A PARENT'S DESIGNEE TO TRANSPORT HIS OR HER
15 CHILDREN TO OR FROM SCHOOL OR SCHOOL-RELATED EVENTS.

16 (6) ~~-(5)-~~ "Rehabilitated school bus" means a bus ~~which~~
17 THAT is at least 4 years old and has accumulated at least 100,000
18 miles, or is 7 years old; and ~~which~~ THAT has been thoroughly
19 inspected and had all systems repaired, replaced, or adjusted to
20 meet the department of state police inspection requirements
21 including but not limited to:

22 (a) Engine overhaul of short block.

23 (b) New tires on the front axle.

24 (c) New recap tires on the rear axle.

25 (d) New brake linings and drums.

26 (e) New hydraulic brake lines.

1 (f) New front and rear springs.

2 (g) New paint in the interior.

3 (h) New exhaust system.

4 (7) ~~-(6)-~~ "Rule" means a rule promulgated pursuant to the
5 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
6 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
7 ~~Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328.

8 (8) ~~-(7)-~~ "School" means either a public school or a nonpub-
9 lic school, or both.

10 Sec. 7. (1) "School bus" means a motor vehicle, other than
11 a ~~station wagon or passenger van~~ PUPIL TRANSPORTATION VEHICLE,
12 with a manufacturer's rated seating capacity of ~~16~~ 11 or more
13 passengers, INCLUDING THE DRIVER, used for the transportation of
14 ~~school~~ pupils to ~~and~~ OR from school ~~and~~ OR school-related
15 events ~~which either~~ THAT is owned by a school or ~~, if owned by~~
16 ~~an entity other than a school, is transporting school~~ IS USED TO
17 TRANSPORT pupils under a contract or agreement with a school.
18 School bus does not include a vehicle operated by a public tran-
19 sit agency or authority or by a MOTOR carrier certified by the
20 state transportation department unless the vehicle is used exclu-
21 sively to transport ~~school~~ pupils or is used to transport
22 ~~school~~ pupils along a route designed to serve 1 or more schools
23 in a school district if elementary school pupils along the route
24 are required to cross the highway or roadway, as described in
25 section 55. For the purposes of this act, a parent, parent's
26 designee, or guardian transporting ~~their~~ HIS OR HER child or
27 another child with written permission of the other child's parent

1 or guardian on a school-related event, if not compensated by the school, shall not be considered an agent of the school.

(2) "SCHOOL TRANSPORTATION VEHICLE" MEANS ANY MOTOR VEHICLE WITH A MANUFACTURER'S RATED SEATING CAPACITY OF 10 PASSENGERS OR LESS, INCLUDING THE DRIVER, WHEN OPERATED FOR THE SCHEDULED TRANSPORTATION OF PUPILS TO OR FROM SCHOOL OR SCHOOL-RELATED EVENTS. SCHOOL TRANSPORTATION VEHICLE DOES NOT INCLUDE A VEHICLE USED BY A PARENT OR PARENT'S DESIGNEE TO TRANSPORT CHILDREN TO OR FROM SCHOOL OR SCHOOL-RELATED EVENTS.

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

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

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

Sec. 10. (1) Each motor vehicle owned OR OPERATED by a public ~~-, OR private -, or governmental agency and operated-~~ NONPUBLIC SCHOOL, AN AGENT OF A SCHOOL, A PRIVATE BUSINESS, OR A UNIT OF GOVERNMENT for the transportation of ~~passengers-~~ PUPILS to or from school ~~and~~ OR school-related events shall meet or exceed the ~~passenger protection-~~ federal motor vehicle safety standards applicable to the construction and sale of that vehicle AND FOR ALL SEATING POSITIONS IN THAT VEHICLE. ~~A vehicle for~~

~~1 which there are no applicable passenger protection federal motor~~
~~2 vehicle safety standards shall not be used to transport passen-~~
~~3 gers to and from school and school related events.~~ A SCHOOL OR
4 AN AGENT OF A SCHOOL MAY TRANSPORT PUPILS WITH DISABILITIES IN
5 MOBILE SEATING DEVICES IN ACCORDANCE WITH FEDERAL STANDARDS SPE-
6 CIFICALLY APPLICABLE TO SUCH PUPILS, THEIR WHEELCHAIRS, AND
7 RELATED WHEELCHAIR SECUREMENT AND OCCUPANT PROTECTION SYSTEMS.

8 (2) ~~Vehicles, other than school buses, shall meet the~~
9 ~~requirements of this section by October 1, 2002.~~ A VEHICLE, OTHER
10 THAN A SCHOOL BUS, WITH A MANUFACTURER'S RATED SEATING CAPACITY
11 OF 11 OR MORE PASSENGERS, INCLUDING THE DRIVER, SHALL NOT BE USED
12 TO TRANSPORT PUPILS TO OR FROM SCHOOL OR SCHOOL-RELATED EVENTS
13 AFTER OCTOBER 1, 2002, EXCEPT AS PROVIDED IN THIS ACT.

14 (3) A school shall not purchase a vehicle ~~to be used~~ to
15 transport ~~passengers~~ PUPILS to ~~and~~ OR from school ~~and~~ OR
16 school-related events HAVING A MANUFACTURER'S RATED SEATING
17 CAPACITY OF 11 OR MORE PASSENGERS, INCLUDING THE DRIVER, that
18 does not meet or exceed the passenger protection federal motor
19 vehicle safety standards applicable to that vehicle. A school
20 shall not purchase a vehicle to be used to transport passengers
21 to ~~and~~ OR from school ~~and~~ OR school-related events for which
22 there are no applicable passenger protection federal motor vehi-
23 cle safety standards. This subsection ~~shall apply~~ APPLIES to
24 vehicles, other than school buses, purchased on or after
25 October 1, 1993.

26 (4) ~~Vehicles used by parents or a parent's designee to~~
27 ~~transport their children to and from school and school related~~

~~1 events under contract with the school are exempt from the~~
~~2 requirements of this section.~~ SUBSECTION (2) DOES NOT APPLY TO A
3 COMMERCIAL MOTOR VEHICLE OPERATED BY A CARRIER CERTIFICATED BY
4 THE STATE TRANSPORTATION DEPARTMENT, OR A BUS OPERATED BY A
5 PUBLIC TRANSIT AGENCY OR AUTHORITY EXCLUDED FROM THE DEFINITION
6 OF SCHOOL BUS AS DESCRIBED IN SECTION 7(1).

7 Sec. 10a. (1) A school ~~district~~ may ~~use a vehicle con-~~
8 ~~structed to standards comparable to those used by Greyhound-type~~
9 ~~buses~~ CONTRACT WITH A MOTOR CARRIER OF PASSENGERS FOR A MOTOR
10 BUS TO BE USED for occasional transportation OF PUPILS to OR FROM
11 school-related events. ~~, provided that a contract for the con-~~
12 ~~struction and delivery of that vehicle was entered into after~~
13 ~~January 1, 1990, but before the effective date of this act. This~~
14 ~~vehicle shall not be used for the regular route transportation of~~
15 ~~students to and from school and home.~~

16 (2) THE DEPARTMENT OF EDUCATION MAY AUTHORIZE THE USE OF A
17 MOTOR BUS FOR THE REGULAR ROUTE TRANSPORTATION OF PUPILS TO OR
18 FROM SCHOOL OR HOME. THE AUTHORIZATION SHALL BE IN WRITING AND
19 SHALL INCLUDE CONDITIONS OR RESTRICTIONS THAT ARE NECESSARY TO
20 SAFEGUARD THE HEALTH, SAFETY, AND WELFARE OF THE PUPILS.

21 Sec. 17. (1) THIS SECTION APPLIES TO SCHOOL BUSES MANUFAC-
22 TURED BEFORE OCTOBER 1, 1990 THAT HAVE NOT BEEN RETROFITTED TO
23 MEET THE REQUIREMENTS OF SECTION 19.

24 (2) ~~(1)~~ A school bus shall be equipped with signal ~~lamps~~
25 LIGHTS mounted as high and widely spaced laterally as practicable
26 ~~which shall be~~ THAT ARE capable of displaying to the front 2
27 OVERHEAD alternately flashing red lights located at the same

1 level and to the rear 2 OVERHEAD alternately flashing red lights
2 located at the same level. These sealed beam lights shall have
3 sufficient intensity to be visible from a distance of not less
4 than 500 feet in normal sunlight.

5 (3) ~~-(2) Alternately~~ OVERHEAD ALTERNATELY flashing ~~stop~~
6 ~~lights~~ STOPLIGHTS shall be operated by a manually operated
7 switch and detached from any other instrument on the bus. A
8 flashing light shall not be connected to the brakes or the serv-
9 ice door on school buses manufactured before October 1, 1990. A
10 3-inch black area shall be provided around sealed beam flasher
11 lamps front and rear. Lamps indicating alternating flashing
12 light operation shall be visible to the driver when in a normal
13 seated position.

14 ~~-(3) This section shall apply to school buses manufactured~~
15 ~~before October 1, 1990 that have not been retrofitted to meet the~~
16 ~~requirements of section 19.~~

17 Sec. 19. (1) THIS SECTION APPLIES TO NEW SCHOOL BUSES MANU-
18 FACTURED ON OR AFTER OCTOBER 1, 1990 AND TO SCHOOL BUSES MANUFAC-
19 TURED BEFORE OCTOBER 1, 1990 THAT ARE RETROFITTED TO MEET THE
20 REQUIREMENTS OF THIS SECTION.

21 (2) ~~-(1)-~~ A school bus shall be equipped with signal ~~lamps~~
22 LIGHTS mounted as high and widely spaced laterally as practicable
23 ~~which shall be~~ THAT ARE capable of displaying to the front 2
24 OVERHEAD alternately flashing red ~~lamps~~ LIGHTS located at the
25 same level and to the rear 2 OVERHEAD alternately flashing red
26 ~~lamps~~ LIGHTS located at the same level.

1 (3) ~~(2)~~ In addition to the 4 red ~~lamps~~ LIGHTS described
2 in subsection ~~(1)~~ (2), 4 amber ~~lamps~~ LIGHTS shall be
3 installed near each red signal ~~lamp~~ LIGHT, at the same level,
4 but closer to the vertical center line of the bus. The system of
5 red and amber signal ~~lamps~~ LIGHTS shall be wired so that the
6 amber ~~lamps~~ LIGHTS are energized manually, and the red ~~lamps~~
7 LIGHTS are automatically energized, with the amber ~~lamps~~ LIGHTS
8 being automatically de-energized, when the bus service door is
9 opened.

10 (4) ~~(3)~~ The area around the lens of each OVERHEAD alter-
11 nately flashing signal ~~lamp~~ LIGHT and extending outward approx-
12 imately 3 inches shall be painted black. In installations where
13 there is no flat vertical portion of body immediately surrounding
14 the entire lens of a ~~lamp~~ LIGHT, a circular or square band of
15 black approximately 3 inches wide, immediately below and to both
16 sides of a lens, shall be painted on the body or roof area
17 against which the signal ~~lamp~~ LIGHT is seen from a distance of
18 500 feet along the axis of the vehicle. Visors or hoods with an
19 appropriate black background to fit their shape and roofcap may
20 also be used. These amber and red sealed beam lights shall have
21 sufficient intensity to be visible from a distance of not less
22 than 500 feet in normal sunlight. ~~Lamps~~ LIGHTS indicating
23 alternately flashing light operation shall be visible to the
24 driver when in a normal seated position.

25 ~~(4) This section shall apply to new school buses manufac-~~
26 ~~tured on or after October 1, 1990 and to school buses~~

~~1 manufactured before October 1, 1990 that are retrofitted to meet~~
~~2 the requirements of this section.~~

3 Sec. 55. (1) A school bus driver shall actuate alternately
4 flashing lights only when the school bus is stopped or stopping
5 on a highway or private road for the purpose of receiving or dis-
6 charging pupils in the manner provided in this act. A school bus
7 driver shall not actuate the alternately flashing lights when
8 operating on a public highway or private road and transporting
9 passengers primarily other than school pupils.

10 (2) The driver of a school bus while operating upon the
11 public highways or private roadways open to the public shall
12 receive or discharge pupils from the bus in the following
13 manner:

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

1 (b) If the pupils are required to cross the roadway, the
2 driver of a school bus equipped with red and amber alternately
3 flashing OVERHEAD lights in accordance with section 19 shall
4 activate the alternately flashing OVERHEAD amber lights not less
5 than 200 feet before the stop, ~~park~~ STOP the bus as far ~~off~~
6 TO the right side of the ~~roadway~~ HIGHWAY or private road as is
7 possible TO PROVIDE for the safety of the pupils being boarded or
8 discharged, deactivate the ~~amber~~ ALTERNATELY flashing OVERHEAD
9 AMBER lights, and activate the alternately flashing OVERHEAD red
10 lights while receiving or discharging pupils. Before resuming
11 motion, the driver shall deactivate these lights and allow con-
12 gested traffic to disperse where practicable. The deactivation
13 of these lights is the signal for stopped traffic to proceed.

14 (c) If the pupils are not required to cross the roadway and
15 where the road has adequate width for the school bus to be pulled
16 to the far right of the ~~roadway~~ HIGHWAY or private road allow-
17 ing traffic to flow and to provide for the safety of pupils being
18 boarded or discharged, the driver may activate the hazard warning
19 lights not less than 200 feet before the stop and continue to
20 display the lights until the process of receiving or discharging
21 passengers has been completed if the ~~posted~~ LAWFUL speed limit
22 is 35 miles per hour or less. Before resuming motion, the driver
23 shall deactivate these lights. The driver of a school bus shall
24 only use this procedure at stops where the school administrator
25 or ~~board approved contractor~~ PERSON OR ENTITY UNDER CONTRACT
26 WITH A SCHOOL TO PROVIDE PUPIL TRANSPORTATION SERVICES has
27 approved its use. If this hazard warning light option is not

1 used, the driver shall use the appropriate procedure in
2 subdivision (a) or (b) as if pupils were required to cross the
3 ~~roadway~~ HIGHWAY.

4 (d) Except as provided in subdivision (c), if the pupils are
5 not required to cross the ~~roadway~~ HIGHWAY and where the bus may
6 be pulled off the ~~roadway~~ HIGHWAY or private road or where the
7 road has adequate width for the school bus to be pulled off to
8 the far right of the ~~roadway~~ HIGHWAY or private road leaving
9 the normal traffic flow unobstructed and to provide for the
10 safety of pupils being boarded or discharged, the driver may
11 activate the hazard warning lights not less than 200 feet before
12 the stop and continue to display the lights until the process of
13 receiving or discharging passengers has been completed. Before
14 resuming motion, the driver shall deactivate these lights. The
15 driver of a school bus shall only use this procedure at stops
16 where the school administrator or ~~board approved contractor~~
17 ENTITY UNDER CONTRACT WITH A SCHOOL TO PROVIDE PUPIL TRANSPORTA-
18 TION SERVICES has approved its use. If this hazard warning light
19 option is not used, the driver shall use the appropriate proce-
20 dure in subdivision (a) or (b) as if pupils were required to
21 cross the ~~roadway~~ HIGHWAY.

22 (e) The distance of not less than 200 feet required for
23 light activation by this subsection shall be measured on the
24 ~~roadway~~ HIGHWAY or private road on which the stop is made for
25 receiving or discharging pupils.

26 (3) ~~Passengers~~ PUPILS crossing the road upon being
27 discharged from a school bus shall cross in front of the stopped

1 school bus. If a school district authorizes its school bus
2 drivers to signal pupils to cross in front of the stopped school
3 bus, the signal shall be uniform throughout the school district.

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

7 (a) Within 200 feet of a public highway or roadway intersec-
8 tion unless the stop is approved by the school administrator or
9 ~~board approved contractor~~ ENTITY UNDER CONTRACT WITH A SCHOOL
10 TO PROVIDE PUPIL TRANSPORTATION SERVICES.

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

16 (c) Upon a highway or roadway constructed or ~~designed~~
17 MARKED to permit 3 or more separate lanes of vehicular traffic in
18 either direction if the pupils are required to cross the highway
19 or roadway.

20 (5) The driver of a school bus when using the alternately
21 flashing OVERHEAD red ~~stopping~~ lights shall not stop the bus ON
22 ANY HIGHWAY OR ROADWAY for the purpose of receiving or discharg-
23 ing pupils ~~in~~ UNDER the following ~~instances~~ CONDITIONS:

24 (a) ~~Unless~~ IF THE LAWFUL SPEED LIMIT IS MORE THAN 35 MILES
25 PER HOUR AND the STOPPED bus is NOT clearly and continuously vis-
26 ible ~~in its stopped position~~ to approaching vehicles on that
27 highway or roadway for ~~not less than~~ AT LEAST 400 feet. WHEN

1 THE DISTANCE FROM THE STOPPED BUS TO THE END OF THE HIGHWAY OR
2 ROADWAY IS LESS THAN 400 FEET, CLEAR AND CONTINUOUS VISIBILITY
3 MUST BE AVAILABLE FROM THE BUS TO THE END OF THE HIGHWAY OR
4 ROADWAY.

5 (B) IF THE LAWFUL SPEED LIMIT IS 35 MILES PER HOUR OR LESS
6 AND THE STOPPED BUS IS NOT CLEARLY AND CONTINUOUSLY VISIBLE TO
7 APPROACHING VEHICLES ON THAT HIGHWAY OR ROADWAY, FOR AT LEAST 200
8 FEET. WHEN THE DISTANCE FROM THE STOPPED BUS TO THE END OF THE
9 HIGHWAY OR ROADWAY IS LESS THAN 200 FEET, CLEAR AND CONTINUOUS
10 VISIBILITY MUST BE AVAILABLE FROM THE BUS TO THE END OF THE HIGH-
11 WAY OR ROADWAY.

12 (C) ~~-(b)-~~ Within 50 feet of an intersection if the intersec-
13 tion is controlled by a traffic stop and go signal.

14 (6) A school may provide instruction on proper school bus
15 etiquette which may include, but not be limited to, boarding and
16 leaving the bus, evacuation of the bus in an emergency, and road
17 crossing procedures and the correct hand signal in the district,
18 if any. If a school uses school bus drivers for this instruc-
19 tion, the state board may reimburse the school for this
20 training.

21 (7) For the purpose of this section, "required to cross the
22 highway or roadway" does not include crossing the ~~road~~ HIGHWAY
23 OR ROADWAY with the assistance of a traffic control signal, or
24 with the assistance of a crossing guard as defined in section 57b
25 of the Michigan vehicle code, ~~Act No. 300 of the Public Acts of~~
26 ~~1949, being section 257.57b of the Michigan Compiled Laws~~ 1949

1 PA 300, MCL 257.57B, and applies only to the ~~road~~ HIGHWAY OR
2 ROADWAY on which the stop is being made.