

# HOUSE BILL No. 5827

February 27, 2008, Introduced by Rep. Wenke and referred to the Committee on Judiciary.

A bill to amend 1990 PA 187, entitled  
"The pupil transportation act,"  
by amending section 55 (MCL 257.1855), as amended by 2006 PA 320.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

8       (2) The driver of a school bus while operating upon the public

1 highways or private roadways open to the public shall receive or  
2 discharge pupils from the bus in the following manner:

3 (a) If pupils are required to cross the roadway, the driver of  
4 a school bus equipped with only the alternately flashing overhead  
5 red lights in accordance with section 17 shall activate the  
6 alternately flashing overhead red lights not less than 200 feet  
7 before the stop, stop the school bus on the roadway or private road  
8 to provide for the safety of the pupils being boarded or  
9 discharged, and continue to activate the alternately flashing  
10 overhead red lights while receiving or discharging pupils. The bus  
11 shall stop in the extreme right-hand lane when boarding or  
12 discharging pupils. Before resuming motion, the driver shall  
13 deactivate these lights and allow congested traffic to disperse  
14 where practicable. The deactivation of these lights is the signal  
15 for stopped traffic to proceed.

16 (b) If the pupils are required to cross the roadway, the  
17 driver of a school bus equipped with red and amber alternately  
18 flashing overhead lights in accordance with section 19 shall  
19 activate the alternately flashing overhead amber lights not less  
20 than 200 feet before the stop, stop the bus on the roadway or  
21 private road to provide for the safety of the pupils being boarded  
22 or discharged, deactivate the alternately flashing overhead amber  
23 lights, and activate the alternately flashing overhead red lights  
24 while receiving or discharging pupils. The bus shall stop in the  
25 extreme right-hand lane for the purpose of boarding or discharging  
26 pupils. Before resuming motion, the driver shall deactivate these  
27 lights and allow congested traffic to disperse where practicable.

1 The deactivation of these lights is the signal for stopped traffic  
2 to proceed.

3 (c) If the pupils are not required to cross the roadway, the  
4 driver 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 feet  
7 before the stop, stop the bus as far off the roadway or private  
8 road as practicable to provide for the safety of the pupils being  
9 boarded or discharged, and continue to activate the alternately  
10 flashing overhead red lights while receiving or discharging pupils.  
11 Before resuming motion, the driver shall deactivate these lights  
12 and allow congested traffic to disperse where practicable. The  
13 deactivation of these lights is the signal for stopped traffic to  
14 proceed.

15 (d) If the pupils are not 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, stop the bus as far off the roadway  
20 or private road as practicable to provide for the safety of the  
21 pupils being boarded or discharged, deactivate the alternately  
22 flashing overhead amber lights, and activate the alternately  
23 flashing overhead red lights while receiving or discharging pupils.  
24 Before resuming motion, the driver shall deactivate these lights  
25 and allow congested traffic to disperse where practicable. The  
26 deactivation of these lights is the signal for stopped traffic to  
27 proceed.

1           (e) 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 or off the roadway or private road allowing  
4 traffic to flow and to provide for the safety of pupils being  
5 boarded or discharged, the driver shall activate the hazard warning  
6 lights before the stop and continue to display the lights until the  
7 process of receiving or discharging passengers has been completed  
8 if the lawful speed limit is 45 miles per hour or less. Before  
9 resuming motion, the driver shall deactivate these lights. The  
10 driver of a school bus shall only use this procedure at stops where  
11 the school administrator or person or entity under contract with a  
12 school to provide pupil transportation services has approved its  
13 use. If this hazard warning light option is not used, the driver  
14 shall use the appropriate procedure in subdivision (a), (b), (c),  
15 or (d) as if pupils were not required to cross the roadway.

16           (f) Except as provided in subdivision (e), if the pupils are  
17 not required to cross the roadway and where the school bus may be  
18 pulled off the roadway or private road or where the road has  
19 adequate width for the school bus to be pulled off to the far right  
20 of the roadway or private road leaving the normal traffic flow  
21 unobstructed and to provide for the safety of pupils being boarded  
22 or discharged, the driver shall activate the hazard warning lights  
23 before the stop and continue to display the lights until the  
24 process of receiving or discharging passengers has been completed.  
25 Before resuming motion, the driver shall deactivate these lights.  
26 The driver of a school bus shall only use this procedure at stops  
27 where the school administrator or entity under contract with a

1 school to provide pupil transportation services has approved its  
2 use. If this hazard warning light option is not used, the driver  
3 shall use the appropriate procedure in subdivision (a), (b), (c),  
4 or (d) as if pupils were not required to cross the roadway.

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

9 (3) Pupils crossing the roadway upon being discharged from a  
10 school bus shall cross in front of the stopped school bus. If a  
11 school district authorizes its school bus drivers to signal pupils  
12 to cross in front of the stopped school bus, the signal shall be  
13 uniform throughout the school district.

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

17 (a) Within 200 feet of a public or private roadway  
18 intersection unless the stop is approved by the school  
19 administrator or entity under contract with a school to provide  
20 pupil transportation services.

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

26 (c) Upon a roadway constructed or marked to permit 3 or more  
27 separate lanes of vehicular traffic in either direction if the

1 pupils are required to cross the roadway.

2 (D) WITHIN 500 FEET OF A RESIDENCE OF A SEX OFFENDER LISTED ON  
3 THE SEX OFFENDER REGISTRY ESTABLISHED UNDER THE SEX OFFENDERS  
4 REGISTRATION ACT, 1994 PA 295, MCL 28.271 TO 28.736.

5 (5) The driver of a school bus when using the alternately  
6 flashing overhead red lights shall not stop the bus on any highway  
7 or roadway for the purpose of receiving or discharging pupils under  
8 the following conditions:

9 (a) If the lawful speed limit is more than 35 miles per hour  
10 and the stopped bus is not clearly and continuously visible to  
11 approaching vehicles on that highway or roadway for at least 400  
12 feet. When the distance from the stopped bus to the end of the  
13 highway or roadway is less than 400 feet, clear and continuous  
14 visibility must be available from the bus to the end of the highway  
15 or roadway.

16 (b) If the lawful speed limit is 35 miles per hour or less and  
17 the stopped bus is not clearly and continuously visible to  
18 approaching vehicles on that highway or roadway, for at least 200  
19 feet. When the distance from the stopped bus to the end of the  
20 highway or roadway is less than 200 feet, clear and continuous  
21 visibility must be available from the bus to the end of the highway  
22 or roadway.

23 (c) Within 50 feet of an intersection if the intersection is  
24 controlled by a traffic control signal.

25 (6) A school may provide instruction on proper school bus  
26 etiquette which may include, but not be limited to, boarding and  
27 leaving the bus, evacuation of the bus in an emergency, and road

1 crossing procedures and the correct hand signal in the district, if  
2 any. If a school uses school bus drivers for this instruction, the  
3 state board may reimburse the school for this training.

4 (7) For the purpose of this section, "required to cross the  
5 roadway" does not include crossing the roadway with the assistance  
6 of a traffic control signal, or with the assistance of a school  
7 crossing guard as defined in section 57b of the Michigan vehicle  
8 code, 1949 PA 300, MCL 257.57b, and applies only to the roadway on  
9 which the stop is being made.

10 (8) For purposes of this section, a school bus is clearly and  
11 continuously visible if both of the following standards are  
12 satisfied:

13 (a) Approaching traffic is able to see the front of a school  
14 bus extending from the roofline to and including the headlamps at  
15 the distances specified in subsection (5).

16 (b) Approaching traffic is able to see the back of a school  
17 bus extending from the roofline to and including the tail lamps and  
18 stop lamps at the distances specified in subsection (5).