

# HOUSE BILL No. 5653

December 8, 2009, Introduced by Rep. Genetski and referred to the Committee on Appropriations.

A bill to amend 1990 PA 187, entitled  
"The pupil transportation act,"  
by amending sections 7, 39, 41, 43, and 70 (MCL 257.1807, 257.1839,  
257.1841, 257.1843, and 257.1870), sections 7 and 39 as amended by  
2006 PA 107 and sections 41, 43, and 70 as amended by 2006 PA 108.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 7. (1) "School bus" means a motor vehicle with a  
2 manufacturer's rated seating capacity of 11 or more passengers,  
3 including the driver, used for the transportation of preprimary,  
4 primary, or secondary school pupils to or from school or school-  
5 related events or a multifunction school activity bus manufactured  
6 after September 2, 2003 as defined in 49 CFR 571.3, 49 CFR 571.108,

1 and 49 CFR 571.131. **SCHOOL BUS INCLUDES A MOTOR VEHICLE WITH A**  
 2 **MANUFACTURER'S RATED SEATING CAPACITY OF 11 OR MORE PASSENGERS**  
 3 **INCLUDING THE DRIVER, USED FOR ANY TRANSPORTATION OF ANY SCHOOL**  
 4 **PUPILS IN THIS STATE IF THE EVENT TO WHICH THE PUPILS ARE BEING**  
 5 **TRANSPORTED IS APPROVED BY THE ADMINISTRATION OR SCHOOL BOARD OF A**  
 6 **DISTRICT.** School bus does not include a vehicle operated by a  
 7 public transit agency or authority. A vehicle that is not a school  
 8 bus is not subject to this act. For the purposes of this act, a  
 9 parent, or legal guardian transporting his or her child or another  
 10 child with written permission of the other child's parent or legal  
 11 guardian on a school-related event is not subject to this act.

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

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

16 Sec. 39. (1) The department of state police shall inspect each  
 17 **AT LEAST 25% OF** school bus ~~BUSES~~ annually, and as the department of  
 18 state police determines necessary where school bus defects have  
 19 been found, to determine if the school bus meets the requirements  
 20 of this act and the rules promulgated pursuant to this act. **THE**  
 21 **DEPARTMENT OF EDUCATION SHALL PUBLISH THE RESULTS OF THE**  
 22 **INSPECTIONS ANNUALLY.** The department of state police may delegate  
 23 the inspection of school buses to ~~publicly-employed~~ **CERTIFIED**  
 24 **SCHOOL BUS** inspectors **EMPLOYED OR CONTRACTED BY THE SCHOOL DISTRICT**  
 25 if the inspection complies with this section. **THE DEPARTMENT OF**  
 26 **STATE POLICE SHALL DEVELOP TRAINING PROGRAMS FOR INSPECTORS**  
 27 **EMPLOYED OR CONTRACTED BY THE DISTRICT AND PROVIDE CERTIFICATION**

1 UPON SUCCESSFUL COMPLETION OF THE PROGRAM. THE DEPARTMENT OF STATE  
2 POLICE SHALL PUBLISH A UNIFORM INSPECTOR MANUAL AND AN INSPECTION  
3 FORM TO BE USED BY ALL CERTIFIED SCHOOL BUS INSPECTORS.

4 (2) Inspection of a school bus may be accomplished at any  
5 time, at any location, on or off a school site, and as frequently  
6 as the department of state police **OR THE SCHOOL DISTRICT, WHICHEVER**  
7 **IS APPLICABLE**, considers necessary to secure passenger safety. A  
8 school bus may be rejected by the ~~inspecting state police official~~  
9 **CERTIFIED SCHOOL BUS INSPECTOR** for further use in transportation of  
10 passengers if it does not meet the requirements of this act and the  
11 rules promulgated ~~pursuant to~~ **UNDER** this act. However, if a school  
12 bus is determined to be safe for operation even though in  
13 unsatisfactory condition, the ~~official~~ **CERTIFIED SCHOOL BUS**  
14 **INSPECTOR** may determine that not more than 60 days shall be allowed  
15 to effect a specific repair.

16 (3) A person, school, or school bus owner shall not operate or  
17 permit to be operated a school bus which has not been inspected  
18 under this section.

19 (4) Any public or private entity that owns or uses a school  
20 bus for pupil transportation shall identify itself to the  
21 department of state police **OR THE APPLICABLE CERTIFIED SCHOOL BUS**  
22 **INSPECTOR** so an inspection can be scheduled. If an entity has had  
23 school buses inspected in the previous year, it is considered to  
24 have identified itself. If an entity stops pupil transportation in  
25 1 year and restarts pupil transportation in a later year, it must  
26 identify itself to the department of state police **OR THE APPLICABLE**  
27 **CERTIFIED SCHOOL BUS INSPECTOR** as requiring inspection before

1 restarting pupil transportation. An entity is considered to have  
2 identified itself by notifying a person of the department of state  
3 police **OR THE APPLICABLE CERTIFIED SCHOOL BUS INSPECTOR** responsible  
4 for conducting inspections under this act.

5 (5) When an inspection is scheduled by the department of state  
6 police **OR THE APPLICABLE CERTIFIED SCHOOL BUS INSPECTOR**, an entity  
7 shall identify to the state police **OR THE CERTIFIED SCHOOL BUS**  
8 inspector all of the school buses that it intends to use for pupil  
9 transportation in that school year. Any school bus that is not  
10 submitted for inspection shall be rejected and have a red sticker  
11 affixed pursuant to section 41.

12 (6) The department of state police **OR THE APPLICABLE CERTIFIED**  
13 **SCHOOL BUS INSPECTOR** may prohibit the placement and use of any  
14 device or equipment on a school bus that presents a safety hazard  
15 to the pupils, driver, or motorists during the loading, unloading,  
16 or transportation of pupils.

17 (7) A school, before establishing a contract with a company  
18 for school bus services, shall require the company to verify in  
19 writing that the buses used by the contractor have been inspected  
20 ~~by the department of state police~~ **UNDER THIS SECTION** and have  
21 passed that inspection. The school shall specify in a written  
22 contract that the contractor will not use any school buses that  
23 have not been inspected or have failed inspection, and that a  
24 violation of this provision of the contract will result in  
25 revocation of the contract. The contract shall specify that the  
26 contractor shall submit, in writing, the inspection results of its  
27 entire fleet of buses to the school within 30 days of the

1 completion of the ~~department of state police~~ inspection. A school  
2 shall identify to the department of state police **OR THE APPLICABLE**  
3 **CERTIFIED SCHOOL BUS INSPECTOR** all of the contractors the school is  
4 using upon request.

5 (8) A CERTIFIED SCHOOL BUS INSPECTOR EMPLOYED OR CONTRACTED BY  
6 THE SCHOOL DISTRICT SHALL ATTEND A TRAINING PROGRAM AT LEAST EVERY  
7 2 YEARS. A SCHOOL BUS INSPECTOR EMPLOYED OR CONTRACTED BY THE  
8 SCHOOL DISTRICT SHALL HOLD AN ASE MEDIUM/HEAVY TRUCK PREVENTATIVE  
9 MAINTENANCE CERTIFICATION. THE DEPARTMENT OF STATE POLICE SHALL  
10 MAINTAIN A LIST OF ALL CERTIFIED SCHOOL BUS INSPECTORS EMPLOYED BY  
11 THE SCHOOL DISTRICT. THE DEPARTMENT OF STATE POLICE SHALL AUDIT  
12 ANNUALLY ALL INSPECTION FORMS COMPLETED BY CERTIFIED SCHOOL BUS  
13 INSPECTORS EMPLOYED BY THE SCHOOL DISTRICT.

14 (9) ALL SCHOOLS SHALL INSPECT ALL SCHOOL BUSES IN THIS STATE  
15 AT LEAST 2 TIMES EACH YEAR. ONE INSPECTION SHALL BE CONDUCTED  
16 BETWEEN JANUARY 1 AND JUNE 30 OF EACH CALENDAR YEAR, AND THE OTHER  
17 INSPECTION SHALL BE CONDUCTED BETWEEN JULY 1 AND DECEMBER 31 EACH  
18 CALENDAR YEAR. ALL SCHOOLS SHALL REGISTER EACH SCHOOL BUS WITH THE  
19 DEPARTMENT. SCHOOLS SHALL ALSO REGISTER SCHOOL BUSES THAT ARE NOT  
20 CURRENTLY USED AND THAT ARE EXTRACURRICULAR.

21 (10) AS USED IN THIS ACT, "CERTIFIED SCHOOL BUS INSPECTOR"  
22 MEANS AN INSPECTOR WHO HAS ATTENDED AND SUCCESSFULLY COMPLETED OR  
23 CONTINUED THE TRAINING PROGRAM REQUIREMENTS LISTED IN SUBSECTION  
24 (8).

25 Sec. 41. (1) A school bus may be rejected by the ~~inspecting~~  
26 ~~state official~~ **CERTIFIED SCHOOL BUS INSPECTOR** for use in  
27 transporting passengers if it does not meet the requirements of

1 this act and the rules promulgated ~~pursuant to~~ **UNDER** this act.

2 (2) A vehicle that is determined by a state police official **OR**  
3 **THE APPLICABLE CERTIFIED SCHOOL BUS INSPECTOR** to be unsafe for  
4 further operation as a school bus shall not be used. An unsafe  
5 vehicle shall have affixed to its windshield, by the state police  
6 official **OR THE APPLICABLE CERTIFIED SCHOOL BUS INSPECTOR**, a red  
7 sticker which shall read as follows: "This vehicle may not be  
8 driven. Utilization of this vehicle is in violation of law.  
9 {reverse side} Do not remove without State Police authorization."  
10 The sticker shall remain until the condition is corrected. A school  
11 bus may be transported to a maintenance facility for repair if the  
12 school bus driver provides written proof of destination to a state  
13 police official **OR THE APPLICABLE CERTIFIED SCHOOL BUS INSPECTOR**  
14 upon request.

15 (3) A school bus that is considered to be in unsatisfactory  
16 condition, but that is safe for operation, shall have affixed to  
17 its windshield by the state police official **OR THE APPLICABLE**  
18 **CERTIFIED SCHOOL BUS INSPECTOR** a yellow sticker which shall read as  
19 follows: "This vehicle has equipment defects. {reverse side}  
20 Repairs and reinspection shall be obtained on or before \_\_\_\_\_. Do  
21 not remove without State Police authorization." If, upon  
22 reinspection, the vehicle defect has not been repaired, replaced,  
23 or corrected, the state police official **OR THE APPLICABLE CERTIFIED**  
24 **SCHOOL BUS INSPECTOR** shall remove the yellow sticker and affix a  
25 red sticker to the vehicle. Exceptions may be made when the  
26 necessary parts or equipment has been ordered but not received at  
27 the time of reinspection. Reinspection may take place within 60

1 days after the original inspection.

2 (4) A school bus that is considered to be in satisfactory  
3 condition after inspection by a state police official **OR THE**  
4 **APPLICABLE CERTIFIED SCHOOL BUS INSPECTOR** shall have a Michigan  
5 vehicle inspection passing sticker affixed to its windshield. The  
6 owner of a school bus shall remove or destroy the pass sticker  
7 before selling the school bus. The display of a pass sticker on a  
8 vehicle other than a school bus is a state civil infraction. All  
9 stickers are the property of the department of state police **OR THE**  
10 **APPLICABLE CERTIFIED SCHOOL BUS INSPECTOR**.

11 Sec. 43. The department of state police **OR THE APPLICABLE**  
12 **CERTIFIED SCHOOL BUS INSPECTOR** shall inspect a new school bus  
13 before a school accepts delivery. The department of state police **OR**  
14 **THE APPLICABLE CERTIFIED SCHOOL BUS INSPECTOR** shall determine  
15 whether the new vehicle is acceptable for delivery. The department  
16 of state police may delegate the inspection of new school buses to  
17 ~~publicly employed inspectors~~ **EMPLOYED OR CONTRACTED BY THE SCHOOL**  
18 **DISTRICT** if the inspection complies with this subsection. A school  
19 shall not accept delivery of a new school bus unless the new  
20 vehicle has been inspected and passed by the department of state  
21 police **OR THE APPLICABLE CERTIFIED SCHOOL BUS INSPECTOR** under this  
22 subsection and title to the school bus has been obtained by the  
23 school in compliance with this act.

24 Sec. 70. (1) The department of education shall establish an  
25 advisory committee to advise the department on issues and topics  
26 concerning school buses and school bus safety. The advisory  
27 committee shall consist of a member from each of the following

1 departments or organizations:

2 (a) The department.

3 (b) The department of state police.

4 (c) The state transportation department.

5 (d) The department of state.

6 (e) The Michigan association for pupil transportation.

7 (f) The Michigan association of school business officials.

8 (g) The Michigan association of school administrators.

9 (h) The training agency association of Michigan.

10 (i) A member representing nonpublic schools.

11 (j) The Michigan education association.

12 (k) The Michigan association of school boards.

13 (l) Other organizations representing school bus drivers as the  
14 department considers appropriate.

15 (m) Any other organizations or groups the department considers  
16 necessary.

17 (2) The advisory committee shall include members representing  
18 bus drivers and supervisors in rural areas, suburban areas, and  
19 cities in the Lower and Upper ~~Peninsula~~ **PENINSULAS**.

20 (3) The advisory committee shall assist the department in the  
21 development of continuing education courses for school bus drivers  
22 and supervisors, any modifications to the introductory school bus  
23 safety course, the program to evaluate driving skills and on-road  
24 procedural performance skills of each school bus driver, and the  
25 minimum threshold for a required safety evaluation, which may  
26 include, but is not limited to, number of points on a driving  
27 record, operating impaired or under the influence of alcohol, at-



1 fault accidents, or violations of safety procedures, for requiring  
2 drivers to take the on-road driver skills test.

3 (4) The advisory committee shall assist the department in  
4 updating physical examination requirements as necessary to comply  
5 with changes in federal and state law or rules.

6 (5) **THE ADVISORY COMMITTEE SHALL SELECT MEMBERS FOR A SCHOOL**  
7 **BUS INSPECTION STANDARD TASK FORCE. THE TASK FORCE SHALL SET AND**  
8 **REVIEW STANDARDS FOR SCHOOL BUS INSPECTIONS.**