

SENATE BILL No. 1009

December 8, 2009, Introduced by Senator KUIPERS and referred to the Committee on Education.

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.**