

2000 PUBLIC AND LOCAL ACTS

[No. 49]

(SB 57)

AN ACT to amend 1990 PA 187, entitled "An act to regulate the equipment, maintenance, operation, and use of school buses and pupil transportation vehicles; to prescribe the qualifications of school bus and pupil transportation vehicle drivers; to prescribe the powers and duties of certain state and local governmental agencies; to create an advisory committee and to prescribe its powers and duties; and to prescribe remedies and penalties," 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:

257.1805 Definitions; M to S. [M.S.A. 9.3505]

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

(2) "Motor bus" and "motor carrier of passengers" mean those terms as defined in section 3 of the motor bus transportation act, 1982 PA 432, MCL 474.103.

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

(4) "Public school" means a local school district, a local act school district, a public school academy, a university school, or an intermediate school district as defined by law.

(5) "Pupil transportation vehicle" means any vehicle other than a school bus with a manufacturer's rated seating capacity of 11 or more passengers, including the driver, that is used to transport pupils to or from school or school-related events. Pupil transportation vehicle does not include a vehicle operated by a motor carrier of passengers or a public transit agency, or a vehicle used by a parent or a parent's designee to transport his or her children to or from school or school-related events.

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

- (a) Engine overhaul of short block.
- (b) New tires on the front axle.
- (c) New recap tires on the rear axle.
- (d) New brake linings and drums.
- (e) New hydraulic brake lines.
- (f) New front and rear springs.
- (g) New paint in the interior.
- (h) New exhaust system.

(7) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(8) "School" means either a public school or a nonpublic school, or both.

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257.1807 Definitions; S, T. [M.S.A. 9.3507]

Sec. 7. (1) "School bus" means a motor vehicle, other than a pupil transportation vehicle, with a manufacturer's rated seating capacity of 11 or more passengers, including the driver, used for the transportation of pupils to or from school or school-related events that is owned by a school or is used to transport pupils under a contract or agreement with a school. School bus does not include a vehicle operated by a public transit agency or authority or by a motor carrier certified by the state transportation department unless the vehicle is used exclusively to transport pupils or is used to transport pupils along a route designed to serve 1 or more schools in a school district if elementary school pupils along the route are required to cross the highway or roadway, as described in section 55. For the purposes of this act, a parent, parent's designee, or guardian transporting his or her child or another child with written permission of the other child's parent 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) "Type I school bus" means a school bus with a gross vehicle weight rating of more than 10,000 pounds.

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

(5) "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.

257.1810 Transportation of pupils; federal motor vehicle safety standards; restrictions; exemptions. [M.S.A. 9.3510]

Sec. 10. (1) Each motor vehicle owned or operated by a public or private nonpublic school, an agent of a school, a private business, or a unit of government for the transportation of pupils to or from school or school-related events shall meet or exceed the federal motor vehicle safety standards applicable to the construction and sale of that vehicle and for all seating positions in that vehicle. A school or an agent of a school may transport pupils with disabilities in mobile seating devices in accordance with federal standards specifically applicable to such pupils, their wheelchairs, and related wheelchair securement and occupant protection systems.

(2) A vehicle, other than a school bus, with a manufacturer's rated seating capacity of 11 or more passengers, including the driver, shall not be used to transport pupils to or from school or school-related events after October 1, 2002, except as provided in this act.

(3) A school shall not purchase a vehicle to transport pupils to or from school or school-related events having a manufacturer's rated seating capacity of 11 or more passengers, including the driver, that does not meet or exceed the passenger protection federal motor vehicle safety standards applicable to that vehicle. A school shall not purchase a vehicle to be used to transport passengers to or from school or school-related events for which there are no applicable passenger protection federal motor vehicle safety standards. This subsection applies to vehicles, other than school buses, purchased on or after October 1, 1993.

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(4) Vehicles used by parents or a parent's designee to transport their children to and from school and school-related events under contract with the school are exempt from the requirements of this section.

(5) Subsection (2) does not apply to a commercial motor vehicle operated by a carrier certificated by the state transportation department, or a bus operated by a public transit agency or authority excluded from the definition of school bus as described in section 7(1).

257.1810a Contract with motor carrier; authorization.

[M.S.A. 9.3510(1)]

Sec. 10a. (1) A school may contract with a motor carrier of passengers for a motor bus to be used for occasional transportation of pupils to or from school-related events.

(2) The department of education may authorize the use of a motor bus for the regular route transportation of pupils to or from school or home. The authorization shall be in writing and shall include conditions or restrictions that are necessary to safeguard the health, safety, and welfare of the pupils.

257.1817 Signal lights; stoplights; flasher lamps; applicability to school buses manufactured before October 1, 1990.

[M.S.A. 9.3517]

Sec. 17. (1) This section applies to school buses manufactured before October 1, 1990 that have not been retrofitted to meet the requirements of section 19.

(2) A school bus shall be equipped with signal lights mounted as high and widely spaced laterally as practicable that are capable of displaying to the front 2 overhead alternately flashing red lights located at the same level and to the rear 2 overhead alternately flashing red lights located at the same level. These sealed beam lights shall have sufficient intensity to be visible from a distance of not less than 500 feet in normal sunlight.

(3) Overhead alternately flashing stoplights shall be operated by a manually operated switch and detached from any other instrument on the bus. A flashing light shall not be connected to the brakes or the service door on school buses manufactured before October 1, 1990. A 3-inch black area shall be provided around sealed beam flasher lamps front and rear. Lamps indicating alternating flashing light operation shall be visible to the driver when in a normal seated position.

257.1819 Red and amber signal lights; applicability to new school buses. [M.S.A. 9.3519]

Sec. 19. (1) This section applies to new school buses manufactured on or after October 1, 1990 and to school buses manufactured before October 1, 1990 that are retrofitted to meet the requirements of this section.

(2) A school bus shall be equipped with signal lights mounted as high and widely spaced laterally as practicable that are capable of displaying to the front 2 overhead alternately flashing red lights located at the same level and to the rear 2 overhead alternately flashing red lights located at the same level.

(3) In addition to the 4 red lights described in subsection (2), 4 amber lights shall be installed near each red signal light, at the same level, but closer to the vertical center line of the bus. The system of red and amber signal lights shall be wired so that the amber lights are energized manually, and the red lights are automatically energized, with the amber lights being automatically de-energized, when the bus service door is opened.

(4) The area around the lens of each overhead alternately flashing signal light and extending outward approximately 3 inches shall be painted black. In installations where there is no flat vertical portion of body immediately surrounding the entire lens of a light,

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a circular or square band of black approximately 3 inches wide, immediately below and to both sides of a lens, shall be painted on the body or roof area against which the signal light is seen from a distance of 500 feet along the axis of the vehicle. Visors or hoods with an appropriate black background to fit their shape and roofcap may also be used. These amber and red sealed beam lights shall have sufficient intensity to be visible from a distance of not less than 500 feet in normal sunlight. Lights indicating alternately flashing light operation shall be visible to the driver when in a normal seated position.

257.1855 Actuation of alternately flashing lights; procedures for receiving and discharging pupils from bus; crossing road; prohibited stops; instruction on proper school bus etiquette; reimbursement; "required to cross the highway or roadway" explained.
[M.S.A. 9.3555]

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

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

(a) If pupils are required to cross the roadway, the driver of a school bus equipped with only the alternately flashing overhead red lights in accordance with section 17 shall activate the alternately flashing overhead red lights not less than 200 feet before the stop, stop the school bus as far to the right side of the roadway or private road as possible to provide for the safety of the pupils being boarded or discharged, and continue to activate the alternately flashing overhead red lights while receiving or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.

(b) If the pupils are required to cross the roadway, the driver of a school bus equipped with red and amber alternately flashing overhead lights in accordance with section 19 shall activate the alternately flashing overhead amber lights not less than 200 feet before the stop, stop the bus as far to the right side of the roadway or private road as is possible to provide for the safety of the pupils being boarded or discharged, deactivate the alternately flashing overhead amber lights, and activate the alternately flashing overhead red lights while receiving or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.

(c) If the pupils are not required to cross the roadway and where the road has adequate width for the school bus to be pulled to the far right of the roadway or private road allowing traffic to flow and to provide for the safety of pupils being boarded or discharged, the driver may activate the hazard warning lights not less than 200 feet before the stop and continue to display the lights until the process of receiving or discharging passengers has been completed if the lawful speed limit is 35 miles per hour or less. Before resuming motion, the driver shall deactivate these lights. The driver of a school bus shall only use this procedure at stops where the school administrator or person or entity under contract with a school to provide pupil transportation services has approved its use. If this hazard warning light option is not used, the driver shall use the appropriate procedure in subdivision (a) or (b) as if pupils were required to cross the roadway.

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(d) Except as provided in subdivision (c), if the pupils are not required to cross the roadway and where the bus may be pulled off the roadway or private road or where the road has adequate width for the school bus to be pulled off to the far right of the roadway or private road leaving the normal traffic flow unobstructed and to provide for the safety of pupils being boarded or discharged, the driver may activate the hazard warning lights not less than 200 feet before the stop and continue to display the lights until the process of receiving or discharging passengers has been completed. Before resuming motion, the driver shall deactivate these lights. The driver of a school bus shall only use this procedure at stops where the school administrator or entity under contract with a school to provide pupil transportation services has approved its use. If this hazard warning light option is not used, the driver shall use the appropriate procedure in subdivision (a) or (b) as if pupils were required to cross the roadway.

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

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

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

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

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

(c) Upon a highway or roadway constructed or marked to permit 3 or more separate lanes of vehicular traffic in either direction if the pupils are required to cross the highway or roadway.

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

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

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

(c) Within 50 feet of an intersection if the intersection is controlled by a traffic stop and go signal.

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

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

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

This act is ordered to take immediate effect.

Approved March 29, 2000.

Filed with Secretary of State March 29, 2000.
