

**SUBSTITUTE FOR
HOUSE BILL NO. 5494**

A bill to amend 1990 PA 187, entitled
"The pupil transportation act,"
by amending the title and sections 5, 7, 9, 10, 10a, 11, 21, 23,
25, 27, 29, 31, 33, 39, 41, 43, 49, 51, 53, 55, 57, 61, 67, 69,
70, and 73 (MCL 257.1805, 257.1807, 257.1809, 257.1810,
257.1810a, 257.1811, 257.1821, 257.1823, 257.1825, 257.1827,
257.1829, 257.1831, 257.1833, 257.1839, 257.1841, 257.1843,
257.1849, 257.1851, 257.1853, 257.1855, 257.1857, 257.1861,
257.1867, 257.1869, 257.1870, and 257.1873), sections 5, 7, 10,
and 10a as amended by 2000 PA 49, section 23 as amended by 1990
PA 322, section 33 as amended by 2001 PA 130, section 49 as
amended by 1994 PA 309, section 53 as amended by 2004 PA 131,
section 55 as amended by 2004 PA 231, and section 57 as amended

by 1996 PA 170; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to regulate the equipment, maintenance, operation,
3 and use of school buses; ~~and pupil transportation vehicles;~~ to
4 prescribe the qualifications of school bus ~~and pupil~~
5 ~~transportation vehicle~~ drivers; to prescribe the powers and
6 duties of certain state and local governmental agencies; to
7 create an advisory committee and to prescribe its powers and
8 duties; and to prescribe remedies and penalties.

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

12 (1) ~~(2)~~ "Motor bus" and "motor carrier of passengers" mean
13 those terms as defined in section 3 of the motor bus
14 transportation act, 1982 PA 432, MCL 474.103.

15 (2) ~~(3)~~ "Nonpublic school" means ~~a private school, a~~
16 ~~denominational school, or a parochial school as defined by law~~
17 **THAT TERM AS DEFINED IN SECTION 5 OF THE REVISED SCHOOL CODE,**
18 **1976 PA 451, MCL 380.5.**

19 (3) ~~(4)~~ "Public school" means ~~a local school district, a~~
20 ~~local act school district, a public school academy, a university~~
21 ~~school, or an intermediate school district as defined by law~~
22 **THAT TERM AS DEFINED IN SECTION 5 OF THE REVISED SCHOOL CODE,**
23 **1976 PA 451, MCL 380.5.**

24 ~~(5) "Pupil transportation vehicle" means any vehicle other~~
25 ~~than a school bus with a manufacturer's rated seating capacity of~~

1 ~~11 or more passengers, including the driver, that is used to~~
 2 ~~transport pupils to or from school or school-related events.~~
 3 ~~Pupil transportation vehicle does not include a vehicle operated~~
 4 ~~by a motor carrier of passengers or a public transit agency, or a~~
 5 ~~vehicle used by a parent or a parent's designee to transport his~~
 6 ~~or her children to or from school or school-related events.~~

7 ~~—— (6) "Rehabilitated school bus" means a bus that is at least~~
 8 ~~4 years old and has accumulated at least 100,000 miles, or is 7~~
 9 ~~years old; and that has been thoroughly inspected and had all~~
 10 ~~systems repaired, replaced, or adjusted to meet the department of~~
 11 ~~state police inspection requirements including but not limited~~
 12 ~~to:~~

13 ~~—— (a) Engine overhaul of short block.~~

14 ~~—— (b) New tires on the front axle.~~

15 ~~—— (c) New recap tires on the rear axle.~~

16 ~~—— (d) New brake linings and drums.~~

17 ~~—— (e) New hydraulic brake lines.~~

18 ~~—— (f) New front and rear springs.~~

19 ~~—— (g) New paint in the interior.~~

20 ~~—— (h) New exhaust system.~~

21 ~~(4) —(7)— "Rule" means a rule promulgated pursuant to the~~
 22 ~~administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to~~
 23 ~~24.328.~~

24 ~~(5) —(8)— "School" means either a public school or a~~
 25 ~~nonpublic school, or both.~~

26 ~~Sec. 7. (1) "School bus" means a motor vehicle —,other than~~
 27 ~~a pupil transportation vehicle,— with a manufacturer's rated~~

1 seating capacity of 11 or more passengers, including the driver,
2 used for the transportation of **PREPRIMARY, PRIMARY, OR SECONDARY**
3 **SCHOOL** pupils to or from school or school-related events ~~that is~~
4 ~~owned by a school or is used to transport pupils under a contract~~
5 ~~or agreement with a school~~ **OR A MULTIFUNCTION SCHOOL ACTIVITY**
6 **BUS MANUFACTURED AFTER SEPTEMBER 2, 2003 AS DEFINED IN 49 CFR**
7 **571.3, 49 CFR 571.108, AND 49 CFR 571.131.** School bus does not
8 include a vehicle operated by a public transit agency or
9 authority. ~~or by a motor carrier certified by the state~~
10 ~~transportation department unless the vehicle is used exclusively~~
11 ~~to transport pupils or is used to transport pupils along a route~~
12 ~~designed to serve 1 or more schools in a school district if~~
13 ~~elementary school pupils along the route are required to cross~~
14 ~~the highway or roadway, as described in section 55.~~ **A VEHICLE**
15 **THAT IS NOT A SCHOOL BUS IS NOT SUBJECT TO THIS ACT.** For the
16 purposes of this act, a parent, ~~parent's designee,~~ or **LEGAL**
17 guardian transporting his or her child or another child with
18 written permission of the other child's parent or **LEGAL** guardian
19 on a school-related event, ~~if not compensated by the school,~~
20 ~~shall not be considered an agent of the school~~ **IS NOT SUBJECT TO**
21 **THIS ACT.**

22 ~~———— (2) "School transportation vehicle" means any motor vehicle~~
23 ~~with a manufacturer's rated seating capacity of 10 passengers or~~
24 ~~less, including the driver, when operated for the scheduled~~
25 ~~transportation of pupils to or from school or school-related~~
26 ~~events. School transportation vehicle does not include a vehicle~~
27 ~~used by a parent or parent's designee to transport children to or~~

1 ~~from school or school-related events.~~

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

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

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

13 Sec. 9. The state board of education shall regulate pupil
14 transportation. The state board or its authorized representative
15 may review, confirm, set aside, or amend the action, order, or
16 decision of a school with reference to the routes over which
17 pupils shall be transported, and the suitability and number of
18 the vehicles and equipment for the transportation of the pupils.
19 The state board shall promulgate rules as necessary to implement
20 this act except that the department of state police, in
21 cooperation with the state board, ~~shall~~ **MAY** promulgate rules
22 ~~for safety specifications and operational procedures for school~~
23 ~~buses and pupil transportation vehicles~~ **RELATED TO VEHICLE AND**
24 **EQUIPMENT STANDARDS.**

25 Sec. 10. (1) Each ~~motor vehicle~~ **SCHOOL BUS** owned or
26 operated by a public or private nonpublic school, an agent of a
27 school, a private business, or a unit of government for the

1 transportation of pupils to or from school or school-related
2 events shall meet or exceed the federal motor vehicle safety
3 standards applicable to the construction and sale of that
4 ~~vehicle~~ **SCHOOL BUS** and for all seating positions in that
5 vehicle. A school or an agent of a school may transport pupils
6 with disabilities in mobile seating devices in accordance with
7 federal standards specifically applicable to such pupils, their
8 wheelchairs, and related wheelchair securement and occupant
9 protection systems.

10 (2) A vehicle, other than a school bus, with a
11 manufacturer's rated seating capacity of 11 or more passengers,
12 including the driver, shall not be used to transport pupils to or
13 from school or school-related events. ~~after October 1, 2002,~~
14 ~~except as provided in this act.~~ **THIS SUBSECTION DOES NOT APPLY**
15 **TO MOTOR BUSES THAT ARE DESCRIBED IN SECTION 10A.**

16 ~~—— (3) A school shall not purchase a vehicle to transport~~
17 ~~pupils to or from school or school-related events having a~~
18 ~~manufacturer's rated seating capacity of 11 or more passengers,~~
19 ~~including the driver, that does not meet or exceed the passenger~~
20 ~~protection federal motor vehicle safety standards applicable to~~
21 ~~that vehicle. A school shall not purchase a vehicle to be used to~~
22 ~~transport passengers to or from school or school-related events~~
23 ~~for which there are no applicable passenger protection federal~~
24 ~~motor vehicle safety standards. This subsection applies to~~
25 ~~vehicles, other than school buses, purchased on or after October~~
26 ~~1, 1993.~~

27 ~~—— (4) Vehicles used by parents or a parent's designee to~~

1 ~~transport their children to and from school and school-related~~
2 ~~events under contract with the school are exempt from the~~
3 ~~requirements of this section.~~

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

9 Sec. 10a. (1) A school may contract with a licensed motor
10 carrier of passengers for a motor bus to be used for occasional
11 transportation of pupils to or from school-related events. **A**
12 **SCHOOL SHALL NOT DIRECTLY OPERATE A MOTOR BUS FOR THE USE OF**
13 **PUPIL TRANSPORTATION TO AND FROM SCHOOL OR SCHOOL-RELATED EVENTS.**
14 **A MOTOR CARRIER CERTIFIED BY THE STATE TRANSPORTATION DEPARTMENT**
15 **SHALL NOT USE A MOTOR BUS TO TRANSPORT PUPILS TO AND FROM SCHOOL.**

16 (2) ~~The~~ **BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT**
17 **THAT AMENDED THIS SECTION, THE** department of education may
18 authorize the use of a motor bus for the regular route
19 transportation of pupils to or from school or home. The
20 authorization shall be in writing and shall include conditions or
21 restrictions that are necessary to safeguard the health, safety,
22 and welfare of the pupils. **ANY AUTHORIZATION THAT IS ENTERED INTO**
23 **BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT AMENDED THIS**
24 **SUBSECTION SHALL REMAIN IN EFFECT FOR THE TIME IT IS AUTHORIZED.**

25 (3) **A MOTOR BUS BUILT TO SCHOOL BUS SPECIFICATIONS THAT**
26 **COMPLIES WITH THE APPLICABLE FEDERAL MOTOR VEHICLE SAFETY**
27 **STANDARDS SHALL COMPLY WITH THE REQUIREMENTS OF THIS ACT.**

1 Sec. 11. (1) This section and sections 13 to 21 apply to
2 both type I and type II school buses except where specifically
3 provided otherwise.

4 (2) A type I school bus shall have an outside body width of
5 not more than ~~96~~ **102** inches; an outside overall length of not
6 more than ~~40~~ **45** feet; and an inside height of not less than 72
7 inches, aisle floor surface to ceiling. A type II school bus
8 shall have an outside body width of not more than ~~96~~ **102** inches
9 ~~;~~ and an inside height of not less than 60 inches, aisle floor
10 surface to ceiling.

11 (3) A bus shall be attached firmly to the chassis. A spacer
12 shall be inserted between the body and the frame at every point
13 of contact so that shearing stresses are not put on rivet heads.

14 (4) A bus floor shall be of metal at least equal in strength
15 to 14-gauge steel and so constructed and maintained that exhaust
16 gases cannot enter the bus. The floor, including wheelhousing,
17 **AISLE, AND STEPWELL**, shall be covered and maintained with ~~1/8~~
18 ~~inch smooth rubber or an equivalent as determined by the~~
19 ~~department of state police. The aisles shall be covered and~~
20 ~~maintained with 3/16 inch ribbed rubber or an equivalent as~~
21 ~~determined by the department of state police. The rib aisle shall~~
22 ~~continue to the stepwell. Metal longitudinal strips shall be~~
23 ~~applied to the aisle seams.~~ **A SLIP-RESISTANT SURFACE.** Floors
24 shall be covered to the walls. All closures between the body and
25 the engine compartment shall be fitted with gaskets which
26 effectively prevent gas from entering the body. The bus body
27 floor, cross members, and skirts shall be completely undercoated.

1 A transmission inspection plate, if any, need not ~~be rubber~~
2 ~~covered~~ **HAVE A SLIP-RESISTANT SURFACE** but shall be firmly
3 attached. ~~Plywood floors are optional.~~

4 (5) Sedan-type doors shall not be used on type I school
5 buses. When a jackknife-type service door is used, it shall fold
6 forward toward the front of the bus. If a split-type service door
7 is used, it shall open outward. Sedan-type doors may be used on
8 service entrances of type II buses. The steps of a service door
9 entrance shall be covered with 3/16-inch molded ribbed rubber or
10 other nonslip surface.

11 (6) An emergency exit shall be provided as follows:

12 (a) Type I school bus: the upper and lower portion of the
13 central rear emergency door shall be equipped with approved
14 safety glass. The door shall be hinged on the right side and the
15 door handle located on the extreme left. Piano hinges shall not
16 be used. The handle shall be in the vertical position when
17 latched. A locking device of any kind shall not be attached to,
18 or made a part of, the emergency door unless the locking device
19 meets all of the following criteria:

20 (i) The device is integrated into the ignition system.

21 (ii) The device is tamper resistant.

22 (iii) The device has an audible alarm system.

23 (iv) The device has an audible alarm near the driver's seat
24 that will sound when the door is locked and the ignition is on.

25 ~~—(v) The device is approved by the department of state~~
26 ~~police.~~

27 (b) Type II school bus: subdivision (a) applies to type II

1 buses except that ~~body gauge metal may be substituted for safety~~
2 ~~glass in the lower portion of the rear emergency door, and~~
3 double rear emergency doors may be used. A double rear emergency
4 door shall have a 3-point latch.

5 (7) A bus body shall be lined with fiberglass or a
6 comparable nonsettling, nonabsorbent insulation.

7 (8) Book racks shall not be installed in a school bus.

8 (9) The electrical system shall be 12 volt D.C. provided
9 through an alternator with a minimum of 100 amp rating and a
10 minimum battery storage capacity of 500 CCA with gasoline engine,
11 or 900 CCA with diesel engine provided through 1 12-volt battery,
12 2 12-volt batteries, or 2 6-volt batteries. There shall not be an
13 opening through the floor of the bus to service the battery.

14 (10) **ALL BAGGAGE, ARTICLES, EQUIPMENT, OR MEDICAL SUPPLIES**
15 **NOT HELD BY INDIVIDUAL PASSENGERS SHALL BE SECURED IN A MANNER**
16 **WHICH ASSURES UNRESTRICTED ACCESS TO ALL EXITS BY ALL OCCUPANTS,**
17 **DOES NOT RESTRICT THE DRIVER'S ABILITY TO OPERATE THE BUS, AND**
18 **PROTECTS ALL OCCUPANTS AGAINST INJURY RESULTING FROM FALLING OR**
19 **DISPLACEMENT OF ANY BAGGAGE, ARTICLE, OR EQUIPMENT. OXYGEN**
20 **CYLINDERS SECURED TO A WHEELCHAIR SHALL BE CONSIDERED TO BE IN**
21 **COMPLIANCE WITH THIS SUBSECTION, PROVIDED THEY DO NOT IMPEDE**
22 **ACCESS TO ANY EXIT.**

23 (11) **RADIO SPEAKERS SHALL BE NO CLOSER TO THE DRIVER THAN 3**
24 **SEAT POSITIONS BEHIND THE DRIVER. THIS SUBSECTION DOES NOT APPLY**
25 **TO RADIO SPEAKERS FOR 2-WAY COMMUNICATION DEVICES.**

26 Sec. 21. ~~(1) A school bus shall be equipped with 2~~
27 ~~windshield wipers and 2 windshield washers. A washer reservoir~~

1 ~~shall be 70 ounces or more.~~

2 ~~—— (2) A windshield shall be slanted to prevent glare and large~~
 3 ~~enough to permit the driver to see the road clearly.~~

4 ~~—— (3) All glass shall be safety glass and shall comply with~~
 5 ~~the requirements of section 27, where applicable. **A SCHOOL BUS**~~
 6 **SHALL BE EQUIPPED WITH WINDSHIELD WIPERS, WASHERS, A WASHER**
 7 **RESERVOIR, AND A WINDSHIELD THAT MEETS THE REQUIREMENTS OF 49 CFR**
 8 **571.103 AND 571.104.**

9 Sec. 23. (1) A school bus ~~or pupil transportation vehicle~~
 10 shall be equipped in a manner that the driver, in a normal seated
 11 position, either by direct vision or by use of an indirect vision
 12 mirror system, shall be able to observe objects on the roadway in
 13 front of and beside the vehicle located inside a continuously
 14 visible rectangular area. ~~having a length defined as the length~~
 15 ~~of the vehicle plus not less than 18 feet in front of the vehicle~~
 16 ~~and a width defined as the width of the vehicle plus not less~~
 17 ~~than 2 feet on either side of the vehicle. A mirror used to~~
 18 ~~comply with this subsection shall be at least 7 1/2 inches in~~
 19 ~~diameter and convex in shape. **THE SCHOOL BUS SHALL COMPLY WITH**~~
 20 **THE VISIBILITY AND EQUIPMENT REQUIREMENTS OF 49 CFR 571.111.**

21 (2) The interior mirror shall be clear view, safety glass
 22 with a reflective surface ~~of 6 inches in height by 30 inches in~~
 23 ~~width for type I school buses, and shall be metal-backed and~~
 24 ~~framed. **THAT PROVIDES A CLEAR AND REASONABLY UNOBSTRUCTED VIEW TO**~~
 25 **THE REAR OF THE VEHICLE AND COMPLIES WITH 49 CFR 571.111.** It
 26 shall have rounded corners and padded edges. ~~Interior mirrors~~
 27 ~~for type II school buses shall have a reflective surface of 6~~

1 inches in height by 15 inches in width and shall be protected by
2 framing and padding as for type I school buses. The interior
3 mirror for a pupil transportation vehicle shall be as provided by
4 the manufacturer and approved by the department of state police.

5 (3) Sun shades, if installed, shall be mounted so that the
6 mounting brackets are not likely to cause injury in the event of
7 an accident.

8 ~~—— (4) This section does not apply to a pupil transportation~~
9 ~~vehicle other than a passenger van that is used as a pupil~~
10 ~~transportation vehicle.~~

11 Sec. 25. (1) A school bus shall be equipped with at least 1,
12 2A-10BC dry chemical fire extinguisher, or its equivalent, ~~that~~
13 ~~is approved by the department of state police and~~ that has an
14 aluminum, brass, or bronze valve. The extinguisher shall be
15 mounted securely in an accessible place in the driver's
16 compartment and shall be in satisfactory operating condition at
17 all times.

18 (2) A school bus ~~or pupil transportation vehicle~~ shall be
19 equipped with a first aid kit which shall be firmly mounted with
20 a quick release bracket in an accessible location in the driver's
21 compartment and which shall contain, at a minimum, all of the
22 following:

23 (a) Bandage compress (sterile gauze
24 pads), 4-inch 2 packages.

25 (b) Bandage compress (sterile gauze
26 pads), 2-inch 2 packages.

27 (c) Adhesive compress, 1-inch 2 packages.

- 1 (d) Triangular bandage with 2 safety
- 2 pins, 40-inch 1 package.
- 3 (e) Roll gauze 1 package.
- 4 (f) Elastic bandage, 3-inch 1 package.

5 ~~Antiseptics and burn ointments shall not be included, except~~
 6 ~~as required by the state transportation department.~~

7 (3) A school bus ~~or a pupil transportation vehicle~~ shall
 8 be equipped with 3 bidirectional emergency reflective triangles
 9 which are properly cased and securely mounted and 3 red-burning
 10 fusees which are capable of burning not less than 15 minutes and
 11 which are properly cased and securely mounted in the driver's
 12 compartment. Fusees and reflectors shall comply with the
 13 standards set forth in this act and the rules promulgated
 14 pursuant to this act.

15 Sec. 27. (1) A school bus ~~or pupil transportation vehicle~~
 16 shall be equipped with safety glass wherever glass is used in
 17 doors, windows, and windshields. Rigid safety plastic which meets
 18 the test requirements of American national standards institute
 19 standard Z26.1-1966 may be used on school buses in lieu of safety
 20 glass, except that front windshields shall be equipped with
 21 safety glass. School buses shall be fitted with at least 1 push-
 22 out window sash on each side of any school bus on which the
 23 plastic panes are installed.

24 (2) As used in this section, "safety glass" means a product
 25 composed of glass, so manufactured, fabricated, or treated as
 26 substantially to prevent shattering and flying of the glass when
 27 struck or broken.

1 Sec. 29. Any part of a ~~gasoline~~ **FUEL** tank or container or
 2 intake pipe shall not be located within or above the passenger-
 3 carrying portion of a school bus unless securely sealed off from
 4 that portion by means of a substantial metal cover. Fuel lines
 5 shall not extend above the frame rails. The gasoline container,
 6 including intake pipe, cap and vent on a school bus manufactured
 7 subsequent to December 31, 1964, shall be so designed that, in
 8 the event of overturn, the ~~gasoline~~ **FUEL** will not be spilled at
 9 a rate in excess of 1 ounce per minute.

10 Sec. 31. A school bus may be equipped with a flashing,
 11 oscillating, or rotating light mounted on the roof of the bus
 12 approximately 6 feet from the rear of the vehicle which displays
 13 a white light to the front, side, and rear of the bus. ~~which~~ **IF**
 14 **A SCHOOL BUS IS EQUIPPED WITH SUCH A LIGHT, THERE IS NO**
 15 **REQUIREMENT THAT A DRIVER USE IT. THE** light ~~may~~ **SHALL NOT** be
 16 actuated by the driver ~~for use only in inclement~~ **UNLESS 1 OR**
 17 **MORE OF THE FOLLOWING CONDITIONS EXIST:**

18 (A) **INCLEMENT** weather such as fog, rain, or snow. ~~when~~
 19 ~~boarding or discharging~~

20 (B) **WHEN** passengers ~~from~~ **ARE BOARDING OR BEING**
 21 **DISCHARGED.**

22 (C) **FROM** 1/2 hour ~~before~~ **AFTER** sunset until 1/2 hour
 23 ~~after~~ **BEFORE** sunrise. ~~or where~~

24 (D) **WHERE** conditions hinder the visibility of the school
 25 bus.

26 Sec. 33. (1) A school bus shall be painted as follows:

27 (a) The body, cowl, hood, and fenders shall be national

1 school bus chrome yellow.

2 (b) The bumper, body trim, wheels, and lettering shall be
3 black. The wheel rims shall be gray, black, **WHITE**, or natural, as
4 provided by the manufacturer.

5 (c) The wheel covers, if painted, shall be black.

6 (d) The grill, if not chrome, shall be national school bus
7 chrome yellow.

8 (e) The mirrors, if painted, shall be black or yellow.

9 (f) The name of the school district **OR CONTRACTOR** shall be
10 ~~painted~~ **PERMANENTLY AFFIXED** in black **LETTERS THAT ARE AT LEAST 6**
11 **INCHES HIGH** on the ~~back, front, and~~ sides of the bus. **THE NAME**
12 **OF THE SCHOOL DISTRICT OR CONTRACTOR SHALL BE PERMANENTLY AFFIXED**
13 **ON THE FRONT AND BACK OF THE BUS IN BLACK LETTERS.**

14 (G) THE WORDS "SCHOOL BUS" SHALL BE PERMANENTLY AFFIXED ON
15 THE FRONT AND BACK OF THE BUS BETWEEN THE OVERHEAD FLASHERS IN
16 BLACK LETTERS THAT ARE AT LEAST 8 INCHES IN HEIGHT.

17 (H) THE OUTSIDE OF A SCHOOL BUS SHALL NOT HAVE ANY OTHER
18 LETTERING, SYMBOL, MARKING, OR ADVERTISING, EXCEPT THAT ANIMAL
19 PICTURES, CARTOON FIGURES, AND SIMILAR INSIGNIA MAY BE AFFIXED TO
20 THE BUS IN A TEMPORARY MANNER NEAR THE ENTRANCE DOOR, BUT NOT
21 CLOSER THAN THE SECOND WINDOW, TO ASSIST IN IDENTIFYING THE BUS
22 ROUTE. A UNIQUE IDENTIFICATION NUMBER MAY BE PERMANENTLY AFFIXED
23 ON THE UPPER CORNERS OF THE BACK, FRONT, OR SIDES OF THE BUS. A
24 CONTRACTOR SHALL DISPLAY A USDOT NUMBER WHEN REQUIRED AND IN THE
25 MANNER REQUIRED BY 49 CFR PARTS 390 TO 399.

26 (I) WORDING FOR SCHOOL BUS ROOF AND DOOR EMERGENCY EXITS,
27 FOR INSIDE AND OUTSIDE THE BUS, SHALL COMPLY WITH THE MOTOR

1 VEHICLE SAFETY STANDARDS FOUND IN 49 CFR 571.217.

2 (J) THE ROOF OF A SCHOOL BUS MAY BE WHITE OR YELLOW.
3 HOWEVER, NO PART OF A SCHOOL BUS MAY BE WHITE BELOW THE DRIP RAIL
4 ABOVE THE SIDE WINDOWS.

5 (2) Except for a bus leased seasonally to transport
6 agricultural workers to and from a field for agricultural
7 operations, a bus, other than a school bus, shall not be painted,
8 in whole or in part, in the colors and design specified in
9 subsection (1).

10 (3) SUBSECTION (1) DOES NOT APPLY TO MULTIFUNCTION SCHOOL
11 ACTIVITY BUSES.

12 (4) THIS SECTION DOES NOT APPLY TO A MOTOR CARRIER CERTIFIED
13 BY THE STATE TRANSPORTATION DEPARTMENT USING A MOTOR BUS FOR
14 SCHOOL-RELATED EVENT TRANSPORTATION.

15 Sec. 39. (1) The department of state police shall inspect
16 each school bus ~~and pupil transportation vehicle~~ annually, and
17 ~~more frequently at a school~~ **AS THE DEPARTMENT OF STATE POLICE**
18 **DETERMINES NECESSARY** where school bus ~~or pupil transportation~~
19 ~~vehicle~~ defects have been found, to determine if the school bus
20 ~~or pupil transportation vehicle~~ meets the requirements of this
21 act and the rules promulgated pursuant to this act. The
22 department of state police may delegate the inspection of school
23 buses to publicly employed inspectors if the inspection complies
24 with this section.

25 (2) Inspection of a school bus ~~or pupil transportation~~
26 ~~vehicle~~ may be accomplished at any time, at any location, on or
27 off a school site, and as frequently as the department of state

1 police considers necessary to secure passenger safety. A school
2 bus ~~or pupil transportation vehicle~~ may be rejected by the
3 inspecting state police official for further use in
4 transportation of passengers if it does not meet the requirements
5 of this act and the rules promulgated pursuant to this act.

6 However, if a school bus ~~or pupil transportation vehicle~~ is
7 determined to be safe for operation even though in unsatisfactory
8 condition, the official may determine that not more than 60 days
9 shall be allowed to effect a specific repair.

10 (3) A person, ~~having control over the operation of a school~~
11 ~~bus or pupil transportation vehicle~~ **SCHOOL, OR SCHOOL BUS OWNER**
12 shall not operate or permit to be operated a school bus ~~or pupil~~
13 ~~transportation vehicle~~ which has not been inspected under this
14 section.

15 ~~—— (4) A modified school bus which uses liquefied petroleum gas~~
16 ~~shall not be used to transport pupils unless the installation of~~
17 ~~the fuel system has been inspected and approved as safe by the~~
18 ~~department of state police.~~

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 SO AN INSPECTION CAN BE SCHEDULED. IF**
22 **AN ENTITY HAS HAD SCHOOL BUSES INSPECTED IN THE PREVIOUS YEAR, IT**
23 **IS CONSIDERED TO HAVE IDENTIFIED ITSELF. IF AN ENTITY STOPS PUPIL**
24 **TRANSPORTATION IN 1 YEAR AND RESTARTS PUPIL TRANSPORTATION IN A**
25 **LATER YEAR, IT MUST IDENTIFY ITSELF TO THE DEPARTMENT OF STATE**
26 **POLICE AS REQUIRING INSPECTION BEFORE RESTARTING PUPIL**
27 **TRANSPORTATION. AN ENTITY IS CONSIDERED TO HAVE IDENTIFIED ITSELF**

1 BY NOTIFYING A PERSON OF THE DEPARTMENT OF STATE POLICE
2 RESPONSIBLE FOR CONDUCTING INSPECTIONS UNDER THIS ACT.

3 (5) WHEN AN INSPECTION IS SCHEDULED BY THE DEPARTMENT OF
4 STATE POLICE, AN ENTITY SHALL IDENTIFY TO THE STATE POLICE
5 INSPECTOR ALL OF THE SCHOOL BUSES THAT IT INTENDS TO USE FOR
6 PUPIL TRANSPORTATION IN THAT SCHOOL YEAR. ANY SCHOOL BUS THAT IS
7 NOT SUBMITTED FOR INSPECTION SHALL BE REJECTED AND HAVE A RED
8 STICKER AFFIXED PURSUANT TO SECTION 41.

9 (6) THE DEPARTMENT OF STATE POLICE MAY PROHIBIT THE
10 PLACEMENT AND USE OF ANY DEVICE OR EQUIPMENT ON A SCHOOL BUS THAT
11 PRESENTS A SAFETY HAZARD TO THE PUPILS, DRIVER, OR MOTORISTS
12 DURING THE LOADING, UNLOADING, OR TRANSPORTATION OF PUPILS.

13 (7) A SCHOOL, BEFORE ESTABLISHING A CONTRACT WITH A COMPANY
14 FOR SCHOOL BUS SERVICES, SHALL REQUIRE THE COMPANY TO VERIFY IN
15 WRITING THAT THE BUSES USED BY THE CONTRACTOR HAVE BEEN INSPECTED
16 BY THE DEPARTMENT OF STATE POLICE AND HAVE PASSED THAT
17 INSPECTION. THE SCHOOL SHALL SPECIFY IN A WRITTEN CONTRACT THAT
18 THE CONTRACTOR WILL NOT USE ANY SCHOOL BUSES THAT HAVE NOT BEEN
19 INSPECTED OR HAVE FAILED INSPECTION, AND THAT A VIOLATION OF THIS
20 PROVISION OF THE CONTRACT WILL RESULT IN REVOCATION OF THE
21 CONTRACT. THE CONTRACT SHALL SPECIFY THAT THE CONTRACTOR SHALL
22 SUBMIT, IN WRITING, THE INSPECTION RESULTS OF ITS ENTIRE FLEET OF
23 BUSES TO THE SCHOOL WITHIN 30 DAYS OF THE COMPLETION OF THE
24 DEPARTMENT OF STATE POLICE INSPECTION. A SCHOOL SHALL IDENTIFY TO
25 THE DEPARTMENT OF STATE POLICE ALL OF THE CONTRACTORS THE SCHOOL
26 IS USING UPON REQUEST.

27 Sec. 41. (1) A school bus ~~or pupil transportation vehicle~~

1 may be rejected by the inspecting state official for use in
2 transporting passengers if it does not meet the requirements of
3 this act and the rules promulgated pursuant to this act.

4 (2) A vehicle that is determined by a state police official
5 to be unsafe for further operation as a school bus ~~or pupil~~
6 ~~transportation vehicle~~ shall not be used. ~~in the transportation~~
7 ~~of any passengers.~~ An unsafe vehicle shall have affixed to its
8 windshield, by the state police official, a red sticker which
9 shall read as follows: "This vehicle may not be driven. ~~in the~~
10 ~~transportation of any passenger.~~ Utilization of this vehicle ~~to~~
11 ~~transport passengers~~ is in violation of law. {reverse side} Do
12 not remove without State Police authorization." The sticker shall
13 remain until the condition is corrected. **A SCHOOL BUS MAY BE**
14 **TRANSPORTED TO A MAINTENANCE FACILITY FOR REPAIR IF THE SCHOOL**
15 **BUS DRIVER PROVIDES WRITTEN PROOF OF DESTINATION TO A STATE**
16 **POLICE OFFICIAL UPON REQUEST.**

17 (3) A school bus ~~or pupil transportation vehicle~~ that is
18 considered to be in unsatisfactory condition, but that is safe
19 for operation, shall have affixed to its windshield by the state
20 police official a yellow sticker which shall read as follows:
21 "This vehicle has equipment defects. {reverse side} Repairs and
22 reinspection shall be obtained on or before _____. Do not remove
23 without State Police authorization." If, upon reinspection, the
24 vehicle defect has not been repaired, replaced, or corrected, the
25 state police official shall remove the yellow sticker and affix a
26 red sticker to the vehicle. Exceptions may be made when the
27 necessary parts or equipment has been ordered but not received at

1 the time of reinspection. Reinspection may take place within 60
2 days after the original inspection.

3 (4) **A SCHOOL BUS** ~~or pupil transportation vehicle~~ that is
4 considered to be in satisfactory condition after inspection by a
5 state police official shall have a Michigan vehicle inspection
6 passing sticker affixed to its windshield. **THE OWNER OF A SCHOOL**
7 **BUS SHALL REMOVE OR DESTROY THE PASS STICKER BEFORE SELLING THE**
8 **SCHOOL BUS. THE DISPLAY OF A PASS STICKER ON A VEHICLE OTHER THAN**
9 **A SCHOOL BUS IS A STATE CIVIL INFRACTION. ALL STICKERS ARE THE**
10 **PROPERTY OF THE DEPARTMENT OF STATE POLICE.**

11 Sec. 43. The department of state police shall inspect a new
12 school bus ~~and a new pupil transportation vehicle~~ before a
13 school accepts delivery. The department of state police shall
14 determine whether the new vehicle is acceptable for delivery. The
15 department of state police may delegate the inspection of new
16 school buses ~~and pupil transportation vehicles~~ to publicly
17 employed inspectors if the inspection complies with this
18 subsection. A school shall not accept delivery of a new school
19 bus ~~or pupil transportation vehicle~~ unless the new vehicle has
20 been inspected and ~~granted final approval~~ **PASSED** by the
21 department of state police under this subsection and title to the
22 school bus ~~or pupil transportation vehicle~~ has been obtained by
23 the school in compliance with this act.

24 Sec. 49. (1) A person, whether or not licensed under the
25 Michigan vehicle code, ~~Act No. 300 of the Public Acts of 1949,~~
26 ~~being sections 257.1 to 257.923 of the Michigan Compiled Laws~~
27 **1949 PA 300, MCL 257.1 TO 257.923**, who is 17 years of age or less

1 shall not drive a school bus. ~~or pupil transportation vehicle.~~

2 (2) A person shall not operate a school bus ~~or pupil~~
3 ~~transportation vehicle used for the regularly scheduled~~
4 ~~transportation of passengers to and from school and home~~ unless
5 that person possesses a valid chauffeur's license, the
6 appropriate vehicle group designation, ~~and~~ a passenger vehicle
7 indorsement, **AND A SCHOOL BUS INDORSEMENT AS REQUIRED** under
8 section 312e of ~~Act No. 300 of the Public Acts of 1949, being~~
9 ~~section 257.312e of the Michigan Compiled Laws~~ **THE MICHIGAN**
10 **VEHICLE CODE, 1949 PA 300, MCL 257.312E. A PERSON WITH A**
11 **COMMERCIAL DRIVER LICENSE SHALL NOT OPERATE A SCHOOL BUS, AND A**
12 **SCHOOL, SCHOOL BUS OWNER, OR LESSEE SHALL NOT ALLOW A PERSON WITH**
13 **A COMMERCIAL DRIVER LICENSE TO OPERATE A SCHOOL BUS, UNLESS THE**
14 **OPERATION IS IN COMPLIANCE WITH THE DRUG AND ALCOHOL TESTING**
15 **REGULATIONS UNDER 49 CFR PARTS 40 AND 382.**

16 (3) A person shall not operate a school bus ~~or pupil~~
17 ~~transportation vehicle~~ or a school administrator or a person or
18 entity under contract with a school to provide pupil
19 transportation services shall not knowingly permit a person to
20 operate a school bus ~~or pupil transportation vehicle~~ for the
21 ~~scheduled~~ transportation of pupils to and from school or school-
22 related events if that person has 7 or more penalty points for
23 moving violations on his or her driving record under section 320a
24 of ~~Act No. 300 of the Public Acts of 1949, being section~~
25 ~~257.320a of the Michigan Compiled Laws~~ **THE MICHIGAN VEHICLE**
26 **CODE, 1949 PA 300, MCL 257.302A, or if the person has a**
27 restricted license due to a conviction for a violation of section

1 625 of ~~Act No. 300 of the Public Acts of 1949, being section~~
2 ~~257.625 of the Michigan Compiled Laws~~ THE MICHIGAN VEHICLE CODE,
3 1949 PA 300, MCL 257.625.

4 (4) A COMMERCIAL DRIVER LICENSE SKILLS TEST SHALL BE
5 ADMINISTERED BY A STATE AUTHORIZED COMMERCIAL DRIVER LICENSE
6 EXAMINER TO A SCHOOL BUS DRIVER WHO HAS HAD 1 OR MORE OF THE
7 FOLLOWING:

8 (A) HAD HIS OR HER DRIVER LICENSE OR COMMERCIAL DRIVER
9 LICENSE SUSPENDED, REVOKED, OR CANCELED.

10 (B) HAS BEEN DISQUALIFIED FROM OPERATING A COMMERCIAL MOTOR
11 VEHICLE.

12 (C) HAS BEEN CONVICTED OF ANY OF THE DISQUALIFYING OFFENSES
13 IN 49 CFR 383.51(B) WHILE OPERATING A COMMERCIAL MOTOR VEHICLE OR
14 ANY OFFENSE IN A NONCOMMERCIAL MOTOR VEHICLE THAT WOULD BE A
15 DISQUALIFYING CONDITION UNDER 49 CFR 383.51(B) IF COMMITTED IN A
16 COMMERCIAL MOTOR VEHICLE.

17 (D) HAS MORE THAN 1 CONVICTION OF ANY OF THE SERIOUS TRAFFIC
18 VIOLATIONS DEFINED IN 49 CFR 383.5, WHILE OPERATING A COMMERCIAL
19 MOTOR VEHICLE WITHIN THE LAST 3 YEARS.

20 (E) HAS BEEN CONVICTED OF ANY MOTOR VEHICLE TRAFFIC
21 VIOLATION THAT RESULTED IN AN ACCIDENT WHILE OPERATING A
22 COMMERCIAL MOTOR VEHICLE.

23 (F) HAS BEEN DISQUALIFIED FROM OPERATING A SCHOOL BUS UNDER
24 SECTION 49(3).

25 (G) A DRIVER WHO IS REQUIRED TO TAKE A TEST UNDER THIS
26 SUBSECTION SHALL NOT OPERATE A SCHOOL BUS UNTIL THE DRIVER HAS
27 PASSED THE TEST. THE COMMERCIAL DRIVER LICENSE SKILLS TEST SHALL

1 BE CONDUCTED BY AN EXAMINER NOT EMPLOYED OR UNDER CONTRACT WITH
2 THE SAME AGENCY OR SCHOOL OF THE DRIVER BEING TESTED.

3 Sec. 51. (1) A driver of a school bus transporting
4 passengers ~~or a driver of a pupil transportation vehicle used for~~
5 ~~the regularly scheduled transportation of passengers to and from~~
6 ~~school and home~~ shall have in his or her possession a
7 certificate stating that he or she has enrolled in the entry
8 level school bus safety education course or has successfully
9 completed a course in school bus safety education within the
10 immediately preceding 2 years. The entry level course shall be
11 available to the school bus driver within 90 days of enrollment.
12 Enrollment certificates shall expire 10 days after the end of the
13 entry level course in which the driver is enrolled. A second
14 enrollment certificate shall not be issued. The entry level
15 course and subsequent 6-hour continuing education course shall be
16 approved by the superintendent of public instruction and shall be
17 provided by an approved educational agency. The certificate of
18 successful completion of each course shall be prescribed by the
19 superintendent of public instruction and successfully completed
20 by an instructor of the course. Failure to successfully complete
21 the entry level course or to complete the 6-hour continuing
22 education course within 2 years after certification of successful
23 completion of a prior course shall be reported by the
24 instructional agency to the department of education and to the
25 school which employs the driver. A driver who fails to
26 successfully complete the entry level course within 90 days after
27 enrollment or to meet the continuing education requirements shall

1 not be permitted to drive a school bus transporting passengers.
2 ~~or a pupil transportation vehicle used for the regularly~~
3 ~~scheduled transportation of passengers to and from school and~~
4 ~~home.~~

5 (2) The person or persons in charge of school bus operations
6 at a school shall have, at a minimum, successfully completed the
7 ~~introductory school bus safety education course established in~~
8 ~~subsection (1) and~~ **BEGINNING SCHOOL BUS DRIVER TRAINING PROGRAM**
9 **IN HIS OR HER FIRST YEAR SERVING AS THE PERSON OR PERSONS IN**
10 **CHARGE OF THE OPERATION. THE PERSON OR PERSONS IN CHARGE OF**
11 **SCHOOL BUS OPERATIONS AT A SCHOOL** shall **SUCCESSFULLY** complete
12 ~~not less than~~ 6 hours of **SUPERVISORY** continuing education every
13 2 years **AFTER THE SUCCESSFUL COMPLETION OF THE BEGINNING SCHOOL**
14 **BUS DRIVER TRAINING PROGRAM.** The continuing education course or
15 courses shall be approved by the superintendent of public
16 instruction and shall be provided by an approved educational
17 agency.

18 (3) The cost of any course instruction and the base rate of
19 compensation of the driver shall be reimbursed by the state on an
20 equal basis for public and nonpublic schools as provided for by
21 the department of education. Attendance by a person at an entry
22 level course, a continuing education course, or an on-road driver
23 skills test as required by this section or section 52 shall be
24 considered compensable work time by the school and the person
25 shall be paid at not less than their base rate as determined by
26 their individual contract of employment or their contractual rate
27 as negotiated between the school and the person's collective

1 bargaining representative.

2 (4) The legislature shall appropriate the funds necessary to
3 implement this section. ~~and section 52.~~

4 ~~—— (5) The department of education shall report to the~~
5 ~~legislature the cost of implementing this section and section 52~~
6 ~~by January 1, 1991.~~

7 Sec. 53. (1) ~~All regular drivers and substitute drivers of~~
8 ~~school buses transporting passengers and pupil transportation~~
9 ~~vehicles used for the regularly scheduled transportation of~~
10 ~~passengers to and from home~~ **A DRIVER OF A SCHOOL BUS** shall, at a
11 minimum, meet the following qualifications:

12 (a) The requirements of sections 49 and 51.

13 (b) For a school bus ~~or pupil transportation vehicle~~
14 operating in intrastate transportation, the annual physical
15 requirements for school bus ~~and pupil transportation vehicle~~
16 drivers as authorized by the superintendent of public
17 instruction. In meeting these physical requirements, the driver
18 shall be examined by a licensed physician, physicians' assistant,
19 or certified nurse practitioner and shall present the medical
20 certificate to the employer.

21 (c) An employer who has reason to believe that a driver is
22 not physically qualified to drive may require a physical
23 examination for that driver in accordance with subdivision (b) at
24 more frequent intervals. If an employer requests a physical
25 examination under this subdivision, the employer shall indicate
26 in writing what physical impairment covered under the
27 requirements of subdivision (b) the driver is to be examined for

1 and shall only be entitled to that portion of the examination
2 results that pertain to that impairment. An examination requested
3 by the employer under this subdivision shall be paid for by the
4 employer.

5 (d) A copy of the medical certificate for a driver shall be
6 carried by that driver while he or she is operating a school bus.
7 ~~or pupil transportation vehicle.~~

8 (2) A record of each employed school bus ~~or pupil~~
9 ~~transportation vehicle~~ driver, including a copy of his or her
10 medical certificate, department of education certification,
11 driver license, certificate of road test application for
12 employment, and any other information that relates to driver
13 qualification or ability to safely drive a school bus, ~~or pupil~~
14 ~~transportation vehicle,~~ shall be maintained in the employer's
15 administrative office.

16 (3) A school shall submit transportation safety related
17 documents, such as driver qualification records, and vehicle
18 maintenance records upon request for inspection and copying to
19 motor carrier officers or vehicle **SAFETY** inspectors of the
20 department of state police.

21 (4) Upon receipt of an application from a person for the
22 position of school bus driver, ~~or pupil transportation vehicle~~
23 ~~driver,~~ a school shall request from the department of state
24 police a background check to determine whether the person was
25 convicted of any of the following offenses:

26 (a) Criminal sexual conduct in any degree.

27 (b) Assault with intent to commit criminal sexual conduct.

1 (c) An attempt to commit criminal sexual conduct in any
2 degree.

3 (d) Felonious assault on a child, child abuse, or cruelty,
4 torture, or indecent exposure involving a child.

5 (e) A violation of section 145c of the Michigan penal code,
6 1931 PA 328, MCL 750.145c.

7 (5) A person shall not smoke on a school bus. ~~or pupil~~
8 ~~transportation vehicle.~~

9 (6) A person shall not possess or consume alcoholic liquor
10 or a controlled substance on a school bus. ~~or pupil~~
11 ~~transportation vehicle.~~

12 (7) This section does not require new or additional third
13 party reimbursement or worker's compensation benefits for
14 services rendered.

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

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

25 (a) If pupils are required to cross the roadway, the driver
26 of a school bus equipped with only the alternately flashing
27 overhead red lights in accordance with section 17 shall activate

1 the alternately flashing overhead red lights not less than 200
2 feet before the stop, stop the school bus on the roadway or
3 private road to provide for the safety of the pupils being
4 boarded or discharged, and continue to activate the alternately
5 flashing overhead red lights while receiving or discharging
6 pupils. The bus shall stop in the extreme right-hand lane when
7 boarding or discharging pupils. Before resuming motion, the
8 driver shall deactivate these lights and allow congested traffic
9 to disperse where practicable. The deactivation of these lights
10 is the signal for stopped traffic to proceed.

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

25 (c) If the pupils are not required to cross the roadway, the
26 driver of a school bus equipped with only the alternately
27 flashing overhead red lights in accordance with section 17 shall

1 activate the alternately flashing overhead red lights not less
2 than 200 feet before the stop, stop the bus as far off the
3 roadway or private road as practicable to provide for the safety
4 of the pupils being boarded or discharged, and continue to
5 activate the alternately flashing overhead red lights while
6 receiving or discharging pupils. Before resuming motion, the
7 driver shall deactivate these lights and allow congested traffic
8 to disperse where practicable. The deactivation of these lights
9 is the signal for stopped traffic to proceed.

10 (d) If the pupils are not required to cross the roadway, the
11 driver of a school bus equipped with red and amber alternately
12 flashing overhead lights in accordance with section 19 shall
13 activate the alternately flashing overhead amber lights not less
14 than 200 feet before the stop, stop the bus as far off the
15 roadway or private road as practicable to provide for the safety
16 of the pupils being boarded or discharged, deactivate the
17 alternately flashing overhead amber lights, and activate the
18 alternately flashing overhead red lights while receiving or
19 discharging pupils. Before resuming motion, the driver shall
20 deactivate these lights and allow congested traffic to disperse
21 where practicable. The deactivation of these lights is the signal
22 for stopped traffic to proceed.

23 (e) If the pupils are not required to cross the roadway and
24 where the road has adequate width for the school bus to be pulled
25 to the far right of **OR OFF** the roadway or private road allowing
26 traffic to flow and to provide for the safety of pupils being
27 boarded or discharged, the driver shall activate the hazard

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

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

1 to cross the roadway.

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

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

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

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

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

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

26 (5) The driver of a school bus when using the alternately
27 flashing overhead red lights shall not stop the bus on any

1 highway or roadway for the purpose of receiving or discharging
2 pupils under the following conditions:

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

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

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

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

25 (7) For the purpose of this section, "required to cross the
26 roadway" does not include crossing the roadway with the
27 assistance of a traffic control signal, or with the assistance of

1 a school crossing guard as defined in section 57b of the Michigan
2 vehicle code, 1949 PA 300, MCL 257.57b, and applies only to the
3 roadway on which the stop is being made.

4 (8) FOR PURPOSES OF THIS SECTION, A SCHOOL BUS IS CLEARLY
5 AND CONTINUOUSLY VISIBLE IF APPROACHING TRAFFIC IS ABLE TO SEE
6 THE ENTIRE WIDTH OF THE FRONT AND BACK OF A SCHOOL BUS FROM A
7 HORIZONTAL LINE TANGENT WITH THE TOP OF THE VEHICLE'S FRONT AND
8 REAR BUMPERS TO A HORIZONTAL LINE TANGENT WITH THE VEHICLE'S MOST
9 FORWARD AND REARWARD ROOFLINE FOR THE ENTIRE 400-FOOT SIGHT LINE
10 TO THE SCHOOL BUS WITH NO OBSTRUCTION OF THE AREA FOR THE ENTIRE
11 400-FOOT SIGHT LINE TO THE SCHOOL BUS IN ITS STOPPED POSITION.

12 Sec. 57. (1) Except as provided in subsections (2), (3), and
13 (4), the driver of a school bus, before crossing a railroad track
14 at grade, shall stop the vehicle within 50 feet but not less than
15 15 feet from the nearest rail, activate hazard warning lights,
16 turn off all interior switches including fans, heaters, and
17 radios, open the passenger door and driver-side window, and while
18 stopped shall listen and look in both directions along the track
19 for an approaching train and for signals indicating the approach
20 of a train, and shall not proceed until the driver can do so
21 safely. After stopping as required in this subsection, and upon
22 proceeding when it is safe to do so, the driver of the vehicle
23 shall cross only in a gear of the vehicle that does not require
24 changing gears while traversing the crossing. The driver shall
25 not shift gears while crossing the track or tracks.

26 (2) A stop need not be made at a railroad track grade
27 crossing where a **UNIFORMED** police officer or a traffic-control

1 signal directs traffic to proceed.

2 (3) A stop need not be made at an abandoned railroad track
3 grade crossing. As used in this subsection, "abandoned railroad
4 track" means a railroad track which meets ~~all~~ **BOTH** of the
5 following requirements:

6 (a) The track has been ~~abandoned pursuant to the former~~
7 ~~provisions of Act No. 56 of the Public Acts of 1919, being~~
8 ~~sections 469.241 to 469.246 of the Michigan Compiled Laws;~~
9 ~~section 14 of Act No. 300 of the Public Acts of 1909, being~~
10 ~~section 462.14 of the Michigan Compiled Laws; or federal law~~
11 **COMPLETELY PAVED OVER OR REMOVED.**

12 ~~(b) The track has been covered or removed.~~

13 **(B)** ~~(e)~~ All signs, signals, and other warning devices are
14 removed.

15 (4) A stop shall not be made at a railroad track grade
16 crossing on a freeway or limited access highway where the
17 crossing is protected by a clearly visible signal, crossing gate,
18 or barrier at a time when the signal, crossing gate, or barrier
19 is not activated.

20 (5) A person who violates this section is responsible for a
21 civil infraction and may be ordered to pay a civil fine of not
22 more than \$100.00. A civil infraction under this subsection shall
23 be processed in the same manner as a civil infraction under the
24 Michigan vehicle code, ~~Act No. 300 of the Public Acts of 1949,~~
25 ~~being sections 257.1 to 257.923 of the Michigan Compiled Laws~~
26 **1949 PA 300, MCL 257.1 TO 257.923.**

27 Sec. 61. A person driving a school bus shall not exceed the

1 speed limits established for this type of vehicle under the
2 Michigan vehicle code, ~~Act No. 300 of the Public Acts of 1949,~~
3 ~~being sections 257.1 to 257.923 of the Michigan Compiled Laws~~
4 **1949 PA 300, MCL 257.1 TO 257.923.** A person who violates this
5 section is subject to the penalty assessed for violation of
6 section ~~627 or~~ 627b of the Michigan vehicle code, ~~Act No. 300~~
7 ~~of the Public Acts of 1949, being sections 257.627 and 257.627b~~
8 ~~of the Michigan Compiled Laws~~ **1949 PA 300, MCL 257.627B.**

9 Sec. 67. (1) In compliance with section 65(8), if a
10 determination is made that economically feasible private
11 transportation does not exist, a school may contract with a
12 federal, state, or local unit of government, or a subcontractor
13 of these units, for the use of a school bus to transport persons
14 to or from an activity or function sponsored or operated by the
15 unit of government. The governmental agency, or subcontractors of
16 the governmental agency, shall pay the full costs incurred in the
17 use of a school bus. A school bus may be contracted out only in
18 compliance with the provisions of the school insurance policy and
19 any joint stipulations of the school and the school bus drivers
20 including, but not limited to, any collective bargaining
21 agreements in force or if no collective bargaining agreement
22 exists, agreement with the bargaining agent if it has been
23 designated. A school shall not purchase additional school buses
24 for the sole purpose of implementing this provision of law.

25 (2) The provision of school buses for the purpose provided
26 in subsection (1) shall not be made if bus service for ~~K to 12~~
27 pupils of the school would be compromised.

1 Sec. 69. The cost of purchasing ~~pupil transportation~~
 2 ~~vehicles and~~ school buses and the rehabilitation of school buses
 3 to extend the period of usefulness shall conform with the rules
 4 promulgated by the department of education to provide state aid
 5 to eligible school districts for the purchase of ~~pupil~~
 6 ~~transportation vehicles and~~ school buses and the cost of
 7 rehabilitation of school buses to extend the period of
 8 usefulness.

9 Sec. 70. (1) The department of education shall establish an
 10 advisory committee to advise the department on issues and topics
 11 concerning school buses and school bus safety. The advisory
 12 committee shall consist of a member from each of the following
 13 departments or organizations:

- 14 (a) The department.
 15 (b) The department of state police.
 16 (c) The state transportation department.
 17 (d) The department of state.
 18 (e) The Michigan association for pupil transportation.
 19 (f) The Michigan association of school business officials.
 20 (g) The Michigan association of school administrators.
 21 (h) ~~Buses united for safety.~~ **THE TRAINING AGENCY**
 22 **ASSOCIATION OF MICHIGAN.**
 23 (i) A member representing nonpublic schools.
 24 (j) The Michigan education association.
 25 (k) The Michigan association of school boards.
 26 (l) Other organizations representing school bus drivers as
 27 the department considers appropriate.

1 (m) Any other organizations or groups the department
2 considers necessary.

3 (2) The advisory committee shall include members
4 representing bus drivers and supervisors in rural areas, suburban
5 areas, and cities in the Lower and Upper Peninsula.

6 (3) The advisory committee shall assist the department in
7 the development of continuing education courses for school bus
8 drivers and supervisors, any modifications to the introductory
9 school bus safety course, the program to evaluate driving skills
10 and on-road procedural performance skills of each school bus
11 driver, and the minimum threshold for a required safety
12 evaluation, which may include, but is not limited to, number of
13 points on a driving record, operating impaired or under the
14 influence of alcohol, at-fault accidents, or violations of safety
15 procedures, for requiring drivers to take the on-road driver
16 skills test.

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

20 ~~—— (5) By August 15, 1991 the advisory committee shall complete~~
21 ~~and present to the state board of education, along with their~~
22 ~~recommendations, a study of the feasibility, safety, and fiscal~~
23 ~~implications of requiring school bus and pupil transportation~~
24 ~~vehicle drivers to take the on-road driver skills test within~~
25 ~~each 4-year period the driver is assigned to drive a school bus~~
26 ~~or pupil transportation vehicle.~~

27 ~~—— (6) By October 1, 1991 the advisory committee shall complete~~

1 and present to the legislature, a study of the feasibility,
2 safety, and fiscal impact of an all right hand drop procedure for
3 boarding and discharging passengers from a school bus.

4 ~~—— (7) By January 1, 1992 the advisory committee shall complete~~
5 ~~and present to the legislature a study of the feasibility,~~
6 ~~safety, and fiscal implications of using transit style school~~
7 ~~buses exclusively. The study shall include, but not be limited~~
8 ~~to, an estimate of the current number of transit style school~~
9 ~~buses and other school bus types, the cost differential between~~
10 ~~the types based on passenger capacity, the accident rate for 1989~~
11 ~~on transit and nontransit style school buses, and the estimated~~
12 ~~annual savings if the frequency and severity of personal injuries~~
13 ~~and property damages are reduced by the use of transit style~~
14 ~~school buses.~~

15 Sec. 73. (1) A person who violates this act is ~~guilty of a~~
16 ~~misdemeanor~~ **RESPONSIBLE FOR A STATE CIVIL INFRACTION AND SHALL**
17 **BE ASSESSED A FINE OF NOT MORE THAN \$500.00**, unless that
18 violation is by this act or other law of this state declared to
19 be a felony or a civil infraction.

20 ~~—— (2) Unless another penalty is provided in this act or by the~~
21 ~~laws of this state, a person convicted of a misdemeanor for the~~
22 ~~violation of this act shall be punished by a fine of not more~~
23 ~~than \$500.00, or by imprisonment for not more than 3 months, or~~
24 ~~both.~~

25 (2) ~~(3)~~ Motor carrier officers appointed by the director
26 of the department of state police shall have all the powers
27 conferred upon peace officers by the general laws of this state

1 to enforce this act and the rules promulgated pursuant to this
2 act.

3 Enacting section 1. Sections 35, 37, 52, and 63 of the pupil
4 transportation act, 1990 PA 187, MCL 257.1835, 257.1837,
5 257.1852, and 257.1863, are repealed.