

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 932

A bill to amend 1990 PA 187, entitled
"The pupil transportation act,"
by amending sections 41, 43, 49, 51, 53, 55, 57, 61, 67, 69, 70,
and 73 (MCL 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), 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.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 41. (1) A school bus ~~or pupil transportation vehicle~~
2 may be rejected by the inspecting state official for use in
3 transporting passengers if it does not meet the requirements of
4 this act and the rules promulgated pursuant to this act.

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

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

27 **(4) A SCHOOL BUS** ~~or pupil transportation vehicle~~ that is

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

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

21 Sec. 49. (1) A person, whether or not licensed under the
22 Michigan vehicle code, ~~Act No. 300 of the Public Acts of 1949,~~
23 ~~being sections 257.1 to 257.923 of the Michigan Compiled Laws 1949~~
24 **PA 300, MCL 257.1 TO 257.923**, who is 17 years of age or less shall
25 not drive a school bus. ~~or pupil transportation vehicle.~~

26 (2) A person shall not operate a school bus ~~or pupil~~
27 ~~transportation vehicle used for the regularly scheduled~~

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

13 (3) A person shall not operate a school bus ~~or pupil~~
14 ~~transportation vehicle~~ or a school administrator or a person or
15 entity under contract with a school to provide pupil transportation
16 services shall not knowingly permit a person to operate a school
17 bus ~~or pupil transportation vehicle~~ for the ~~scheduled~~
18 transportation of pupils to and from school or school-related
19 events if that person has 7 or more penalty points for moving
20 violations on his or her driving record under section 320a of ~~Act~~
21 ~~No. 300 of the Public Acts of 1949, being section 257.320a of the~~
22 ~~Michigan Compiled Laws~~ **THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL**
23 **257.320A**, or if the person has a restricted license due to a
24 conviction for a violation of section 625 of ~~Act No. 300 of the~~
25 ~~Public Acts of 1949, being section 257.625 of the Michigan Compiled~~
26 ~~Laws~~ **THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625.**

27 **(4) A COMMERCIAL DRIVER LICENSE SKILLS TEST SHALL BE**

1 ADMINISTERED BY A STATE AUTHORIZED COMMERCIAL DRIVER LICENSE
2 EXAMINER TO A SCHOOL BUS DRIVER WHO HAS HAD 1 OR MORE OF THE
3 FOLLOWING:

4 (A) HAD HIS OR HER DRIVER LICENSE OR COMMERCIAL DRIVER LICENSE
5 SUSPENDED, CANCELED, OR DENIED UNDER SECTION 303 OR 319 OF THE
6 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.303 AND 257.319.

7 (B) HAS BEEN DISQUALIFIED FROM OPERATING A COMMERCIAL MOTOR
8 VEHICLE.

9 (C) HAS BEEN CONVICTED OF ANY OF THE DISQUALIFYING OFFENSES IN
10 49 CFR 383.51(B) WHILE OPERATING A COMMERCIAL MOTOR VEHICLE OR ANY
11 OFFENSE IN A NONCOMMERCIAL MOTOR VEHICLE THAT WOULD BE A
12 DISQUALIFYING CONDITION UNDER 49 CFR 383.51(B) IF COMMITTED IN A
13 COMMERCIAL MOTOR VEHICLE.

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

17 (E) HAS BEEN CONVICTED OF ANY MOTOR VEHICLE TRAFFIC VIOLATION
18 THAT RESULTED IN AN ACCIDENT WHILE OPERATING A COMMERCIAL MOTOR
19 VEHICLE.

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

22 (G) A DRIVER WHO IS REQUIRED TO TAKE A TEST UNDER THIS
23 SUBSECTION SHALL NOT OPERATE A SCHOOL BUS UNTIL THE DRIVER HAS
24 PASSED THE TEST. THE COMMERCIAL DRIVER LICENSE SKILLS TEST SHALL BE
25 CONDUCTED BY AN EXAMINER NOT EMPLOYED OR UNDER CONTRACT WITH THE
26 SAME AGENCY OR SCHOOL OF THE DRIVER BEING TESTED.

27 Sec. 51. (1) A driver of a school bus transporting passengers

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

27 (2) The person or persons in charge of school bus operations

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

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

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

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

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

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

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

15 (c) An employer who has reason to believe that a driver is not
16 physically qualified to drive may require a physical examination
17 for that driver in accordance with subdivision (b) at more frequent
18 intervals. If an employer requests a physical examination under
19 this subdivision, the employer shall indicate in writing what
20 physical impairment covered under the requirements of subdivision
21 (b) the driver is to be examined for and shall only be entitled to
22 that portion of the examination results that pertain to that
23 impairment. An examination requested by the employer under this
24 subdivision shall be paid for by the employer.

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

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

9 (3) A school shall submit transportation safety related
10 documents, such as driver qualification records, and vehicle
11 maintenance records upon request for inspection and copying to
12 motor carrier officers or vehicle **SAFETY** inspectors of the
13 department of state police.

14 (4) Upon receipt of an application from a person for the
15 position of school bus driver, ~~or pupil transportation vehicle~~
16 ~~driver~~, a school shall request from the department of state police
17 a background check to determine whether the person was convicted of
18 any of the following offenses:

19 (a) Criminal sexual conduct in any degree.

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

21 (c) An attempt to commit criminal sexual conduct in any
22 degree.

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

25 (e) A violation of section 145c of the Michigan penal code,
26 1931 PA 328, MCL 750.145c.

27 (5) A person shall not smoke on a school bus. ~~or pupil~~

1 ~~transportation vehicle.~~

2 (6) A person shall not possess or consume alcoholic liquor or
3 a controlled substance on a school bus. ~~or pupil transportation~~
4 ~~vehicle.~~

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

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

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

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

1 deactivate these lights and allow congested traffic to disperse
2 where practicable. The deactivation of these lights is the signal
3 for stopped traffic to proceed.

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

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

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

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

16 (e) If the pupils are not required to cross the roadway and
17 where the road has adequate width for the school bus to be pulled
18 to the far right of **OR OFF** the roadway or private road allowing
19 traffic to flow and to provide for the safety of pupils being
20 boarded or discharged, the driver shall activate the hazard warning
21 lights before the stop and continue to display the lights until the
22 process of receiving or discharging passengers has been completed
23 if the lawful speed limit is 45 miles per hour or less. Before
24 resuming motion, the driver shall deactivate these lights. The
25 driver of a school bus shall only use this procedure at stops where
26 the school administrator or person or entity under contract with a
27 school to provide pupil transportation services has approved its

1 use. If this hazard warning light option is not used, the driver
2 shall use the appropriate procedure in subdivision (a), (b), (c),
3 or (d) as if pupils were **NOT** required to cross the roadway.

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

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

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

1 uniform throughout the school district.

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

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

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

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

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

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

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

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

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

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

22 **(8) FOR PURPOSES OF THIS SECTION, A SCHOOL BUS IS CLEARLY AND**
23 **CONTINUOUSLY VISIBLE IF APPROACHING TRAFFIC IS ABLE TO SEE THE**
24 **ENTIRE WIDTH OF THE FRONT AND BACK OF A SCHOOL BUS FROM A**
25 **HORIZONTAL LINE TANGENT WITH THE TOP OF THE VEHICLE'S FRONT AND**
26 **REAR BUMPERS TO A HORIZONTAL LINE TANGENT WITH THE VEHICLE'S MOST**
27 **FORWARD AND REARWARD ROOFLINE FOR THE ENTIRE 400-FOOT SIGHT LINE TO**

1 THE SCHOOL BUS WITH NO OBSTRUCTION OF THE AREA FOR THE ENTIRE 400-
2 FOOT SIGHT LINE TO THE SCHOOL BUS IN ITS STOPPED POSITION.

3 Sec. 57. (1) Except as provided in subsections (2), (3), and
4 (4), the driver of a school bus, before crossing a railroad track
5 at grade, shall stop the vehicle within 50 feet but not less than
6 15 feet from the nearest rail, activate hazard warning lights, turn
7 off all interior switches including fans, heaters, and radios, open
8 the passenger door and driver-side window, and while stopped shall
9 listen and look in both directions along the track for an
10 approaching train and for signals indicating the approach of a
11 train, and shall not proceed until the driver can do so safely.
12 After stopping as required in this subsection, and upon proceeding
13 when it is safe to do so, the driver of the vehicle shall cross
14 only in a gear of the vehicle that does not require changing gears
15 while traversing the crossing. The driver shall not shift gears
16 while crossing the track or tracks.

17 (2) A stop need not be made at a railroad track grade crossing
18 where a **UNIFORMED** police officer or a traffic-control signal
19 directs traffic to proceed.

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

24 (a) The track has been ~~abandoned pursuant to the former~~
25 ~~provisions of Act No. 56 of the Public Acts of 1919, being sections~~
26 ~~469.241 to 469.246 of the Michigan Compiled Laws; section 14 of Act~~
27 ~~No. 300 of the Public Acts of 1909, being section 462.14 of the~~

1 ~~Michigan Compiled Laws; or federal law~~ **COMPLETELY PAVED OVER OR**
2 **REMOVED.**

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

4 **(B)** ~~—(e)~~ All signs, signals, and other warning devices are
5 removed.

6 (4) A stop shall not be made at a railroad track grade
7 crossing on a freeway or limited access highway where the crossing
8 is protected by a clearly visible signal, crossing gate, or barrier
9 at a time when the signal, crossing gate, or barrier is not
10 activated.

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

18 Sec. 61. A person driving a school bus shall not exceed the
19 speed limits established for this type of vehicle under the
20 Michigan vehicle code, ~~Act No. 300 of the Public Acts of 1949,~~
21 ~~being sections 257.1 to 257.923 of the Michigan Compiled Laws~~ **1949**
22 **PA 300, MCL 257.1 TO 257.923.** A person who violates this section is
23 subject to the penalty assessed for violation of section ~~627 or~~
24 ~~627b~~ of the Michigan vehicle code, ~~Act No. 300 of the Public Acts~~
25 ~~of 1949, being sections 257.627 and 257.627b of the Michigan~~
26 ~~Compiled Laws~~ **1949 PA 300, MCL 257.627B.**

27 Sec. 67. (1) In compliance with section 65(8), if a

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

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

19 Sec. 69. The cost of purchasing ~~pupil transportation vehicles~~
20 ~~and~~ school buses and the rehabilitation of school buses to extend
21 the period of usefulness shall conform with the rules promulgated
22 by the department of education to provide state aid to eligible
23 school districts for the purchase of ~~pupil transportation vehicles~~
24 ~~and~~ school buses and the cost of rehabilitation of school buses to
25 extend the period of usefulness.

26 Sec. 70. (1) The department of education shall establish an
27 advisory committee to advise the department on issues and topics

1 concerning school buses and school bus safety. The advisory
2 committee shall consist of a member from each of the following
3 departments or organizations:

4 (a) The department.

5 (b) The department of state police.

6 (c) The state transportation department.

7 (d) The department of state.

8 (e) The Michigan association for pupil transportation.

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

10 (g) The Michigan association of school administrators.

11 (h) ~~Buses united for safety.~~ **THE TRAINING AGENCY ASSOCIATION**
12 **OF MICHIGAN.**

13 (i) A member representing nonpublic schools.

14 (j) The Michigan education association.

15 (k) The Michigan association of school boards.

16 (l) Other organizations representing school bus drivers as the
17 department considers appropriate.

18 (m) Any other organizations or groups the department considers
19 necessary.

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

23 (3) The advisory committee shall assist the department in the
24 development of continuing education courses for school bus drivers
25 and supervisors, any modifications to the introductory school bus
26 safety course, the program to evaluate driving skills and on-road
27 procedural performance skills of each school bus driver, and the

1 minimum threshold for a required safety evaluation, which may
2 include, but is not limited to, number of points on a driving
3 record, operating impaired or under the influence of alcohol, at-
4 fault accidents, or violations of safety procedures, for requiring
5 drivers to take the on-road driver skills test.

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

9 ~~—— (5) By August 15, 1991 the advisory committee shall complete
10 and present to the state board of education, along with their
11 recommendations, a study of the feasibility, safety, and fiscal
12 implications of requiring school bus and pupil transportation
13 vehicle drivers to take the on road driver skills test within each
14 4-year period the driver is assigned to drive a school bus or pupil
15 transportation vehicle.~~

16 ~~—— (6) By October 1, 1991 the advisory committee shall complete
17 and present to the legislature, a study of the feasibility, safety,
18 and fiscal impact of an all right hand drop procedure for boarding
19 and discharging passengers from a school bus.~~

20 ~~—— (7) By January 1, 1992 the advisory committee shall complete
21 and present to the legislature a study of the feasibility, safety,
22 and fiscal implications of using transit style school buses
23 exclusively. The study shall include, but not be limited to, an
24 estimate of the current number of transit style school buses and
25 other school bus types, the cost differential between the types
26 based on passenger capacity, the accident rate for 1989 on transit
27 and nontransit style school buses, and the estimated annual savings~~

1 ~~if the frequency and severity of personal injuries and property~~
2 ~~damages are reduced by the use of transit style school buses.~~

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

8 ~~——(2) Unless another penalty is provided in this act or by the~~
9 ~~laws of this state, a person convicted of a misdemeanor for the~~
10 ~~violation of this act shall be punished by a fine of not more than~~
11 ~~\$500.00, or by imprisonment for not more than 3 months, or both.~~

12 **(2)** ~~—(3)—~~ Motor carrier officers appointed by the director of
13 the department of state police shall have all the powers conferred
14 upon peace officers by the general laws of this state to enforce
15 this act and the rules promulgated pursuant to this act.

16 Enacting section 1. This amendatory act does not take effect
17 unless House Bill No. 5494 of the 93rd Legislature is enacted into
18 law.