

Act No. 107
Public Acts of 2006
Approved by the Governor
April 7, 2006
Filed with the Secretary of State
April 7, 2006
EFFECTIVE DATE: August 15, 2006

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006**

Introduced by Reps. Pavlov, LaJoy, David Law, Casperson, Moore, Taub, Kahn and Gleason

ENROLLED HOUSE BILL No. 5494

AN ACT to amend 1990 PA 187, entitled "An act to regulate the equipment, maintenance, operation, and use of school buses and pupil transportation vehicles; to prescribe the qualifications of school bus and pupil transportation vehicle drivers; to prescribe the powers and duties of certain state and local governmental agencies; to create an advisory committee and to prescribe its powers and duties; and to prescribe remedies and penalties," by amending the title and sections 5, 7, 9, 10, 10a, 11, 21, 23, 25, 27, 29, 31, 33, and 39 (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, and 257.1839), sections 5, 7, 10, and 10a as amended by 2000 PA 49, section 23 as amended by 1990 PA 322, and section 33 as amended by 2001 PA 130; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

TITLE

An act to regulate the equipment, maintenance, operation, and use of school buses; to prescribe the qualifications of school bus drivers; to prescribe the powers and duties of certain state and local governmental agencies; to create an advisory committee and to prescribe its powers and duties; and to prescribe remedies and penalties.

Sec. 5. (1) "Motor bus" and "motor carrier of passengers" mean those terms as defined in section 3 of the motor bus transportation act, 1982 PA 432, MCL 474.103.

(2) "Nonpublic school" means that term as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

(3) "Public school" means that term as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

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

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

Sec. 7. (1) "School bus" means a motor vehicle with a manufacturer's rated seating capacity of 11 or more passengers, including the driver, used for the transportation of preprimary, primary, or secondary school pupils to or from school or school-related events or a multifunction school activity bus manufactured after September 2, 2003 as defined in 49 CFR 571.3, 49 CFR 571.108, and 49 CFR 571.131. School bus does not include a vehicle operated by a public transit agency or authority. A vehicle that is not a school bus is not subject to this act. For the purposes of this act, a parent, or legal

guardian transporting his or her child or another child with written permission of the other child's parent or legal guardian on a school-related event is not subject to this act.

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

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

Sec. 9. The state board of education shall regulate pupil transportation. The state board or its authorized representative may review, confirm, set aside, or amend the action, order, or decision of a school with reference to the routes over which pupils shall be transported, and the suitability and number of the vehicles and equipment for the transportation of the pupils. The superintendent of public instruction shall promulgate rules as necessary to implement this act except that the department of state police, in cooperation with the superintendent of public instruction, may promulgate rules related to vehicle and equipment standards.

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

(2) A vehicle, other than a school bus, with a manufacturer's rated seating capacity of 11 or more passengers, including the driver, shall not be used to transport pupils to or from school or school-related events. This subsection does not apply to motor buses that are described in section 10a.

Sec. 10a. (1) A school may contract with a licensed motor carrier of passengers for a motor bus to be used for occasional transportation of pupils to or from school-related events. A school shall not directly operate a motor bus for the use of pupil transportation to and from school or school-related events. A motor carrier certified by the state transportation department shall not use a motor bus to transport pupils to and from school.

(2) Before the effective date of the amendatory act that amended this section, the department of education may authorize the use of a motor bus for the regular route transportation of pupils to or from school or home. The authorization shall be in writing and shall include conditions or restrictions that are necessary to safeguard the health, safety, and welfare of the pupils. Any authorization that is entered into before the effective date of the amendatory act that amended this subsection shall remain in effect for the time it is authorized.

(3) A motor bus built to school bus specifications that complies with the applicable federal motor vehicle safety standards shall comply with the requirements of this act.

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

(2) A type I school bus shall have an outside body width of not more than 102 inches; an outside overall length of not more than 45 feet; and an inside height of not less than 72 inches, aisle floor surface to ceiling. A type II school bus shall have an outside body width of not more than 102 inches and an inside height of not less than 60 inches, aisle floor surface to ceiling.

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

(4) A bus floor shall be of metal at least equal in strength to 14-gauge steel and so constructed and maintained that exhaust gases cannot enter the bus. The floor, including wheelhousing, aisle, and stepwell, shall be covered and maintained with a slip-resistant surface. Floors shall be covered to the walls. All closures between the body and the engine compartment shall be fitted with gaskets which effectively prevent gas from entering the body. The bus body floor, cross members, and skirts shall be completely undercoated. A transmission inspection plate, if any, need not have a slip-resistant surface but shall be firmly attached.

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

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

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

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

- (ii) The device is tamper resistant.
- (iii) The device has an audible alarm system.
- (iv) The device has an audible alarm near the driver's seat that will sound when the door is locked and the ignition is on.

(b) Type II school bus: subdivision (a) applies to type II buses except that double rear emergency doors may be used. A double rear emergency door shall have a 3-point latch.

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

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

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

(10) All baggage, articles, equipment, or medical supplies not held by individual passengers shall be secured in a manner which assures unrestricted access to all exits by all occupants, does not restrict the driver's ability to operate the bus, and protects all occupants against injury resulting from falling or displacement of any baggage, article, or equipment. Oxygen cylinders secured to a wheelchair shall be considered to be in compliance with this subsection, provided they do not impede access to any exit.

(11) Radio speakers shall be no closer to the driver than 3 seat positions behind the driver. This subsection does not apply to radio speakers for 2-way communication devices.

Sec. 21. A school bus shall be equipped with windshield wipers, washers, a washer reservoir, and a windshield that meets the requirements of 49 CFR 571.103 and 571.104.

Sec. 23. (1) A school bus shall be equipped in a manner that the driver, in a normal seated position, either by direct vision or by use of an indirect vision mirror system, shall be able to observe objects on the roadway in front of and beside the vehicle located inside a continuously visible rectangular area. The school bus shall comply with the visibility and equipment requirements of 49 CFR 571.111.

(2) The interior mirror shall be clear view, safety glass with a reflective surface that provides a clear and reasonably unobstructed view to the rear of the vehicle and complies with 49 CFR 571.111. It shall have rounded corners and padded edges.

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

Sec. 25. (1) A school bus shall be equipped with at least 1, 2A-10BC dry chemical fire extinguisher, or its equivalent, that has an aluminum, brass, or bronze valve. The extinguisher shall be mounted securely in an accessible place in the driver's compartment and shall be in satisfactory operating condition at all times.

(2) A school bus shall be equipped with a first aid kit which shall be firmly mounted with a quick release bracket in an accessible location in the driver's compartment and which shall contain, at a minimum, all of the following:

- (a) Bandage compress (sterile gauze pads), 4-inch..... 2 packages.
- (b) Bandage compress (sterile gauze pads), 2-inch..... 2 packages.
- (c) Adhesive compress, 1-inch..... 2 packages.
- (d) Triangular bandage with 2 safety pins, 40-inch..... 1 package.
- (e) Roll gauze..... 1 package.
- (f) Elastic bandage, 3-inch..... 1 package.

(3) A school bus shall be equipped with 3 bidirectional emergency reflective triangles which are properly cased and securely mounted and 3 red-burning fusees which are capable of burning not less than 15 minutes and which are properly cased and securely mounted in the driver's compartment. Fusees and reflectors shall comply with the standards set forth in this act and the rules promulgated pursuant to this act.

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

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

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

Sec. 31. A school bus may be equipped with a flashing, oscillating, or rotating light mounted on the roof of the bus approximately 6 feet from the rear of the vehicle which displays a white light to the front, side, and rear of the bus. If a school bus is equipped with such a light, there is no requirement that a driver use it. The light shall not be actuated by the driver unless 1 or more of the following conditions exist:

- (a) Inclement weather such as fog, rain, or snow.
- (b) When passengers are boarding or being discharged.
- (c) From 1/2 hour after sunset until 1/2 hour before sunrise.
- (d) Where conditions hinder the visibility of the school bus.

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

- (a) The body, cowl, hood, and fenders shall be national school bus chrome yellow.
- (b) The bumper, body trim, wheels, and lettering shall be black. The wheel rims shall be gray, black, white, or natural, as provided by the manufacturer.
- (c) The wheel covers, if painted, shall be black.
- (d) The grill, if not chrome, shall be national school bus chrome yellow.
- (e) The mirrors, if painted, shall be black or yellow.
- (f) The name of the school district or contractor shall be permanently affixed in black letters that are at least 6 inches high on the sides of the bus. The name of the school district or contractor shall be permanently affixed on the front and back of the bus in black letters.
- (g) The words "school bus" shall be permanently affixed on the front and back of the bus between the overhead flashers in black letters that are at least 8 inches in height.
- (h) The outside of a school bus shall not have any other lettering, symbol, marking, or advertising, except that animal pictures, cartoon figures, and similar insignia may be affixed to the bus in a temporary manner near the entrance door, but not closer than the second window, to assist in identifying the bus route. A unique identification number may be permanently affixed on the upper corners of the back, front, or sides of the bus. A contractor shall display a USDOT number when required and in the manner required by 49 CFR parts 390 to 399.
- (i) Wording for school bus roof and door emergency exits, for inside and outside the bus, shall comply with the motor vehicle safety standards found in 49 CFR 571.217.
- (j) The roof of a school bus may be white or yellow. However, no part of a school bus may be white below the drip rail above the side windows.

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

(3) Subsection (1) does not apply to multifunction school activity buses.

(4) This section does not apply to a motor carrier certified by the state transportation department using a motor bus for school-related event transportation.

Sec. 39. (1) The department of state police shall inspect each school bus annually, and as the department of state police determines necessary where school bus defects have been found, to determine if the school bus meets the requirements of this act and the rules promulgated pursuant to this act. The department of state police may delegate the inspection of school buses to publicly employed inspectors if the inspection complies with this section.

(2) Inspection of a school bus may be accomplished at any time, at any location, on or off a school site, and as frequently as the department of state police considers necessary to secure passenger safety. A school bus may be rejected by the inspecting state police official for further use in transportation of passengers if it does not meet the requirements of this act and the rules promulgated pursuant to this act. However, if a school bus is determined to be safe for operation even though in unsatisfactory condition, the official may determine that not more than 60 days shall be allowed to effect a specific repair.

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

(4) Any public or private entity that owns or uses a school bus for pupil transportation shall identify itself to the department of state police so an inspection can be scheduled. If an entity has had school buses inspected in the previous year, it is considered to have identified itself. If an entity stops pupil transportation in 1 year and restarts pupil transportation in a later year, it must identify itself to the department of state police as requiring inspection before restarting pupil transportation. An entity is considered to have identified itself by notifying a person of the department of state police responsible for conducting inspections under this act.

(5) When an inspection is scheduled by the department of state police, an entity shall identify to the state police inspector all of the school buses that it intends to use for pupil transportation in that school year. Any school bus that is not submitted for inspection shall be rejected and have a red sticker affixed pursuant to section 41.

(6) The department of state police may prohibit the placement and use of any device or equipment on a school bus that presents a safety hazard to the pupils, driver, or motorists during the loading, unloading, or transportation of pupils.

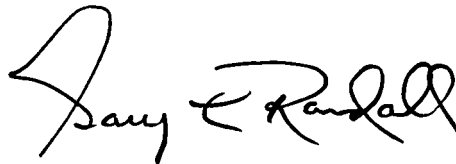
(7) A school, before establishing a contract with a company for school bus services, shall require the company to verify in writing that the buses used by the contractor have been inspected by the department of state police and have passed that inspection. The school shall specify in a written contract that the contractor will not use any school buses that have not been inspected or have failed inspection, and that a violation of this provision of the contract will result in revocation of the contract. The contract shall specify that the contractor shall submit, in writing, the inspection results of its entire fleet of buses to the school within 30 days of the completion of the department of state police inspection. A school shall identify to the department of state police all of the contractors the school is using upon request.

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

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 932 of the 93rd Legislature is enacted into law.

Enacting section 3. This amendatory act takes effect August 15, 2006.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved

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Governor