

HOUSE BILL No. 4549

April 13, 2011, Introduced by Rep. LeBlanc and referred to the Committee on Education.

A bill to amend 1990 PA 187, entitled
"The pupil transportation act,"
by amending sections 39, 41, and 43 (MCL 257.1839, 257.1841, and
257.1843), section 39 as amended by 2006 PA 107 and sections 41 and
43 as amended by 2006 PA 108.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 section.

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

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

15 (4) Any public or private entity that owns or uses a school
16 bus for pupil transportation shall identify itself to the
17 department of state police **OR OTHER INSPECTING ORGANIZATION** so an
18 inspection can be scheduled. If an entity has had school buses
19 inspected in the previous year, it is considered to have identified
20 itself. If an entity stops pupil transportation in 1 year and
21 restarts pupil transportation in a later year, it must identify
22 itself to the department of state police **OR OTHER INSPECTING**
23 **ORGANIZATION** as requiring inspection before restarting pupil
24 transportation. An entity is considered to have identified itself
25 by notifying a person ~~of~~ **FROM** the department of state police **OR**
26 **OTHER INSPECTING ORGANIZATION** responsible for conducting
27 inspections under this act.

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

7 (6) The department of state police **OR OTHER INSPECTING**
8 **ORGANIZATION** may prohibit the placement and use of any device or
9 equipment on a school bus that presents a safety hazard to the
10 pupils, driver, or motorists during the loading, unloading, or
11 transportation of pupils.

12 (7) A school, before establishing a contract with a company
13 for school bus services, shall require the company to verify in
14 writing that the buses used by the contractor have been inspected
15 ~~by the department of state police~~ and have passed that inspection.
16 The school shall specify in a written contract that the contractor
17 will not use any school buses that have not been inspected or have
18 failed inspection, and that a violation of this provision of the
19 contract will result in revocation of the contract. The contract
20 shall specify that the contractor shall submit, in writing, the
21 inspection results of its entire fleet of buses to the school
22 within 30 days of the completion of the ~~department of state police~~
23 inspection. A school shall identify to the department of state
24 police **OR OTHER INSPECTING ORGANIZATION** all of the contractors the
25 school is using upon request.

26 Sec. 41. (1) A school bus may be rejected by the inspecting
27 state official for use in transporting passengers if it does not

1 meet the requirements of this act and the rules promulgated
2 ~~pursuant to~~ **UNDER** this act.

3 (2) A vehicle that is determined ~~by a state police official~~ to
4 be unsafe for further operation as a school bus shall not be used.
5 An unsafe vehicle shall have affixed to its windshield ~~, by the~~
6 ~~state police official,~~ a red sticker ~~which~~ **THAT** shall read as
7 follows: "This vehicle may not be driven. Utilization of this
8 vehicle is in violation of law. {reverse side} Do not remove
9 without ~~State Police~~ authorization." The sticker shall remain until
10 the condition is corrected. A school bus may be transported to a
11 maintenance facility for repair if the school bus driver provides
12 written proof of destination to a ~~state police~~ **AN INSPECTING**
13 official upon request.

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

27 (4) A school bus that is considered to be in satisfactory

1 condition after inspection by ~~a state police~~ **AN INSPECTING** official
2 shall have a Michigan vehicle inspection passing sticker affixed to
3 its windshield. The owner of a school bus shall remove or destroy
4 the pass sticker before selling the school bus. The display of a
5 pass sticker on a vehicle other than a school bus is a state civil
6 infraction. ~~All stickers are the property of the department of~~
7 ~~state police.~~

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