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BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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Senate Bill 534 (Substitute S-5 as passed by the Senate)

Sponsor: Senator Frederick Dillingham

Committee: State Affairs, Tourism, and Transportation

Date Completed: 5-21-90

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JUN 28 1990

Pub. State Law Lib.

SUMMARY OF SENATE BILL 534 (Substitute S-5):

The bill would create the "Pupil Transportation Act", incorporating many of the provisions concerning the transportation of pupils on school buses that currently are found in the School Code and Motor Vehicle Code and rules promulgated under these Acts. Further, the bill proposes new provisions to prohibit persons from operating school buses before they have passed a school bus driver training course; require that vehicles used to transport pupils meet Federal passenger protection safety standards; require bus drivers to take continuing education courses and meet certain Federal physical requirements; create new procedures for boarding and discharging passengers and using the flashing red lights to control traffic; and provide reporting requirements for incidents and accidents involving school buses.

The bill is tie-barred to Senate Bills 843 and 844. Senate Bill 844 would amend the School Code to repeal provisions pertaining to the use and inspection of school buses and the State Board of Education's authority over school bus routes, and to delete the prohibition against the use of a modified school bus that uses compressed natural gas or liquefied natural gas unless the installation of the fuel system has been inspected and approved by the Department of State Police.

Senate Bill 843 would amend the Michigan Vehicle Code to delete or repeal sections of the Code that pertain to the minimum age and examination requirements for school bus drivers, school bus fuel tank specifications, certain mandatory equipment for school buses,

and motorists' obligations to stop for a stopped school bus. Further, the bill would:

- Provide that the Code's definition of "school transportation vehicle" would not apply to a motor vehicle used by a parent or his or her designee for the regularly scheduled transportation of the parent's children directly to and from school and home under the terms of a contract with the school.
- Prohibit a person driving a school bus from exceeding the speed of 55 miles per hour on a limited access highway or freeway.
- Require motorists to stop their vehicles at least 20 feet, rather than 10 feet, from a stopped school bus.
- State that passing a bus or failure to stop for a school bus, in violation of the Code or an ordinance that complies with the Code, would constitute a civil infraction, rather than a misdemeanor as currently provided.
- Provide that in addition to the civil fine and costs provided for a violation of the Code's requirements that motorists stop for a stopped school bus, the judge, district court referee, or district court magistrate could order the violator to perform up to 100 hours of community service at a school.
- Provide that the Code's definition of "chauffeur" would not include a person operating a motor vehicle for a volunteer program who received reimbursement only for the costs of operating the vehicle.

A more detailed summary of Senate Bill 534 follows.

S.B. 534 (5-21-90)

Definitions

The bill would retain the definitions for different types of school buses that are in the Motor Vehicle Code and rules promulgated under the Code but would add the following definitions:

- "School" would apply to both public and nonpublic schools.
- "Nonpublic school" would mean a private, denominational or parochial school.
- "Public school" would mean a local or intermediate school district or local act school district.
- "Pupil transportation vehicle" would mean any vehicle other than a school bus used to transport pupils to or from school or school-related events. The term would not include a vehicle operated by a municipally owned transportation system or by a carrier certified by the State Transportation Department.

Regulation of Public Transportation

The bill specifies that the State Board of Education would be responsible for regulating pupil transportation, and would require the Department of State Police in cooperation with the Board, to promulgate rules for safety specifications and operational procedures for school buses and pupil transportation vehicles.

Passenger Protection Standards

The bill provides that each vehicle used to transport passengers to or from school and school-related events would have to meet the passenger protection Federal motor vehicle safety standards applicable to that vehicle. Vehicles would have until October 1, 1997, to comply with these requirements and any vehicles that did not meet the minimum safety standards could not be purchased after October 1, 1993. Vehicles used by parents to transport their children to and from school and school-related events would be exempt from this requirement.

Vehicle Equipment

Many of the bill's provisions concerning mandatory equipment for school buses would

be the same as current requirements, except that:

- Certain provisions such as those pertaining to safety glass also would apply to pupil transportation vehicles.
- The flashing red lights and stop lights requirements would apply to school buses manufactured before October 1, 1990, that had not been retrofitted to meet the bill's requirement that new school buses purchased after October 1, 1990, use an eight-light system.
- The bill would require a school bus or pupil transportation vehicle to 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 having a length defined as the length of the vehicle plus not less than 18 feet in front of the vehicle and a width defined as the width of the vehicle plus not less than 2 feet on either side of the vehicle".

The bill would provide detailed specifications for the mirror system. The Vehicle Code requires only that the mirror be located on either side of the vehicle so that the driver by looking in the mirror can see the road from the front bumper forward to the point where direct observation is possible.

Annual Inspections

The bill's provisions concerning the annual inspections of school buses parallel current law except that pupil transportation vehicles also would be subject to inspection. Further, the bill provides that inspection of a school bus or pupil transportation vehicle could be accomplished at any time and location and as frequently as the Department of State Police considered necessary for passenger safety. A bus or vehicle could be rejected for further use if it did not meet the requirements of the bill. If a bus or vehicle were determined to be safe for operation but in unsatisfactory condition, a grace period of up to 60 days could be granted to effect a specific repair. An unsafe vehicle would have to bear a red sticker on its windshield until the condition was corrected. A safe but unsatisfactory vehicle would have to

bear a yellow sticker.

Certificate of Title

A certificate of title for a school bus could be issued only after a manufacturer's statement of origin had been provided to the Secretary of State.

Licensing Requirements

The bill's provisions concerning licensing requirements would be the same as current requirements in the Motor Vehicle Code except that the bill would update the mandatory license and indorsement requirements, apply them not only to school bus drivers but also to those persons who operate "pupil transportation vehicles used for the regularly scheduled transportation of passengers to and from school and home", and require applicants for a school bus driver's license to have passed the written portion of the commercial drivers license exam.

Educational Requirements

The bill would expand the Motor Vehicle Code's educational requirements for school bus drivers to specify that a driver would have to have enrolled in an entry level school bus safety education course or complete such a course within the immediately preceding two years. The entry level course would have to be available to the driver within 90 days of enrollment. Enrollment certificates would expire 10 days after the end of the entry level course in which the driver was enrolled, and second enrollment certificates could not be issued. Further, the bill would require drivers to take a six-hour continuing education course.

Anyone in charge of school bus operations at a school would have to have passed successfully the introductory school bus safety education course, and at least six hours of continuing education every two years.

Driver Qualifications

The bill would expand the Vehicle Code's current list of qualifications for school bus drivers to include the requirement that all regular and substitute drivers meet the Federal physical requirements for motor-carriers and obtain a physical exam every two years, rather

than every five years as currently provided.

Further, the bill would require that in addition to a copy of the driver's physician's certificate that is currently required, copies of the Department of Education (driver course) certification, driver's license, certificate of road test application road test for employment, and any other information relating to driver qualification or ability to drive a school bus or pupil transportation vehicle safely would have to be maintained in the office of the driver's employer.

Finally, the Department of Education would be required to create and administer a program to evaluate the driving and performance skills of school bus and pupil transportation vehicle drivers within each four-year period that the person was assigned to drive a school bus or vehicle. A driver who failed the test would be prohibited from driving a school bus or public transportation vehicle.

Boarding and Discharging Pupils/Use of Red Lights

The Motor Vehicle Code currently requires a school bus to be equipped with flashing red lights that may be actuated by the driver only when the bus is stopped or stopping on a highway. The bill specifies that a school bus driver could actuate alternately flashing lights only when the school bus was stopped or stopping on a highway or private road for the purpose of receiving or discharging pupils in the manner provided in the bill. A school bus driver could not actuate the alternately flashing lights when operating on a public highway or private road and transporting passengers primarily other than school pupils. Further, the bill provides that the driver of a school bus, while operating upon the public highways or private roadways open to the public would have to receive or discharge pupils from the bus in the following manner:

- If pupils were required to cross the roadway, the driver of a school bus equipped with red and amber alternately flashing lights or only the alternately flashing red lights would have to activate the amber lights or hazard warning lights not less than 200 feet before the stop, park the bus as far off the right side of the roadway or private road as

possible, deactivate the amber flashing lights or hazard warning lights, and activate the alternately flashing red lights while receiving or discharging pupils. Before resuming motion, the driver would have to deactivate the lights and allow congested traffic to disperse where practicable. The deactivation of the lights would be the signal for stopped traffic to proceed.

- If the pupils were not required to cross the roadway and if the bus could be pulled off the roadway or private road or the road had adequate width for the school bus to be pulled off to the far right of the roadway or private road leaving the normal traffic flow unobstructed, the driver would have to activate the hazard warning lights not less than 200 feet before the stop and continue to display the lights until the process of receiving or discharging passengers had been completed. Before resuming motion, the driver would have to deactivate the lights. The driver of a school bus could use this procedure only at stops where the school administrator had approved its use. If the hazard warning light option were not used, the driver would have to use the appropriate procedure for stopping for passengers as if pupils were required to cross the roadway.
- The distance of not less than 200 feet required for light activation would have to be measured on the roadway or private road on which the stop was made for receiving or discharging pupils.

The bill also specifies that passengers crossing the road upon being discharged from a school bus would have to cross in front of the stopped school bus. If a school district authorized its school bus drivers to signal pupils to cross in front of the stopped school bus, the signal would have to be uniform throughout the school district.

Further, the bill would prohibit the driver of a school bus from stopping the bus for the purpose of receiving or discharging pupils in the following instances:

- Within 200 feet of a public highway or roadway intersection unless the stop

were approved by the school administrator because it was the safest alternative available.

- Upon a limited access highway or freeway, or upon any other highway or roadway that contained a construction barrier that impeded vehicular traffic if the pupils were required to cross the highway or roadway.
- Upon a highway or roadway constructed or designed to permit three or more separate lanes of vehicular traffic in either direction if the pupils were required to cross the highway or roadway.

The driver of a school bus would be prohibited from stopping the bus for the purpose of receiving or discharging pupils who are required to cross a highway or roadway unless the bus were completely and continuously visible in its stopped position to approaching vehicles on that highway or roadway for not less than 400 feet.

The bill also states that a school could provide instruction on proper school bus etiquette that could include, but not be limited to, boarding and leaving the bus, evacuation of the bus in an emergency, and road-crossing procedures and the correct hand signal in the district, if any. If a school used school bus drivers for this instruction, the State board could reimburse the school for this training.

Rail Crossings

The bill's provisions concerning the actions school bus drivers would have to take when approaching, stopping at, and crossing railroad tracks would be the same as current provisions in the Motor Vehicle Code except that the driver would have to stop the school bus at least 15 feet, rather than 10 feet, from the nearest rail.

Pupils Only on a School Bus

Like current law, the bill would permit only pupils, teachers, chaperons, persons enrolled in a school-sponsored preschool program and other authorized personnel to ride the bus while pupils were being transported to and from schools. The authorized personnel, however, would have to be authorized by the school,

rather than the local board of education as is currently provided.

Speed Limit

The Motor Vehicle Code currently prohibits a person driving a school bus from exceeding the speed of 50 miles per hour. The bill would increase the maximum speed limit to 55 miles per hour on a limited access highway or freeway. Further, the bill provides that a violation of the maximum speed limits would constitute a civil infraction or a violation of MCL 257.627b.

Reporting of Accidents

The bill would require schools to report to the Department of Education each incident that resulted in a fire on a school bus or pupil transportation vehicle, each school bus or pupil transportation vehicle accident that resulted in property damage of \$500 or more, and each school bus or pupil transportation vehicle accident that resulted in personal injuries to passengers, pedestrians, or drivers. Further, the bill specifies that a toxicology report on any driver involved in any school bus accident involving injury to a child would have to be made and kept on file with both the Department of Education and the local school board. The Department would have to compile a summary report of the data on the incidents and accidents and return to each school a copy of the report with any recommendations for change.

Task Force on "Right-Hand Drop" Procedure

The Department of Education would be required to establish a task force to study the feasibility, safety, and fiscal implications of an all right-hand drop procedure for discharging passengers from a school bus. The task force would consist of a member from the Department of Education, the Michigan Association for Pupil Transportation, the Michigan Association of School Business Officials, the Michigan Association of School Administrators, Buses United for Safety, and the Department of State Police; a member representing nonpublic schools; and members representing other organizations or groups the Department considered necessary. The study would have to be completed and presented to

the Legislature by October 1, 1991.

Operational Agreements

The bill generally would retain the School Code's provisions concerning:

- The use of school buses by senior citizens and retired or disabled persons.
- The contractual use of school buses by Federal, State, and local units of government.
- The use of the buses to transport persons to school-sponsored events. The bill, however, specifies that the school, rather than the board of the school district, would make the decisions concerning the use of the buses under these provisions. Further, the bill would allow school buses to be used to transport persons other than pupils to school-sponsored events and fees to be charged for the transportation. Pupils of the school would have to be given first priority for any transportation provided by the school. The School Code provides only the board of a school district may collect a fee for transporting pupils in grades K-12 to or from nonmandatory and noncredit events sponsored by the school district.

In addition, the bill would allow a school to contract with a Federal, State, or local unit of government or an authorized government subcontractor for the use of a school bus to transport persons if all of the following conditions existed:

- The bus was not being used for school purposes.
- The persons were being transported to or from a government-sponsored or -operated activity.
- The bus was not being used to transport freight, goods, or merchandise other than that carried on the laps of the passengers.
- Other suitable or economical transportation was not available.
- A subcontractor had written evidence of the contract with the governmental agency authorizing the subcontractor to spend funds for the transportation for which the bus was requested.

The bus would have to be returned in adequate time to be checked and serviced properly for its scheduled route assignment.

Bus Rehabilitation

The bill states that the cost of purchasing pupil transportation vehicles and school buses and the rehabilitation of school buses to extend the period of usefulness would have to conform with the rules promulgated by the Department of Education to provide State aid to eligible school districts for the purchase of pupil transportation vehicles and school buses and the cost of rehabilitation.

Penalties and Violations

A violation of the bill would constitute a misdemeanor, unless the violation were declared by the bill or other State law to be a felony or a civil infraction.

Unless another penalty were provided in the bill or by State law, a person convicted of a misdemeanor for the violation of the bill could be punished by a fine of not more than \$500, or by imprisonment for not more than three months, or both.

The bill also would grant motor carrier officers appointed by the Director of the Department of State Police all the powers conferred upon peace officers by the general laws of the State to enforce the bill and the rules promulgated under the bill.

Legislative Analyst: L. Burghardt

FISCAL IMPACT

This bill would result in indeterminate costs to local and intermediate school districts that would be reimbursable by the State. The costs are indeterminate as the number of buses that would be affected and amount of maintenance that would be required are not known. It is, however, anticipated that costs would be several million dollars per year.

Fiscal Analyst: A. Rich

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.