

SENATE BILL No. 534

July 27, 1989, Introduced by Senators DILLINGHAM, SCHWARZ, DE GROW, CARL, EHLERS, NICHOLS, BINSFELD, GEAKE and FESSLER and referred to the Committee on Education and Mental Health.

A bill to regulate the maintenance and operation of school buses; to prescribe the qualifications of school bus drivers; to prescribe the powers and duties of certain state agencies; and to prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as "the
2 pupil transportation act".

3 Sec. 3. For the purposes of this act, the words and phrases
4 defined in sections 5 to 7 shall have the meanings respectively
5 ascribed to them in those sections.

6 Sec. 5. (1) "Modified school bus" means a school bus of any
7 age with a factory installed fuel system which has been modified
8 to operate on a fuel source other than gasoline or diesel fuel.

9 (2) "Pupil transportation vehicle" means any vehicle other
10 than a school bus used to transport pupils to or from school or

1 school-related events. Pupil transportation vehicle does not
2 include a vehicle operated by a municipally owned transportation
3 system or by a carrier certified by the Michigan public service
4 commission.

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

- 11 (a) Engine overhaul of short block.
- 12 (b) New tires on the front axle.
- 13 (c) New recap tires on the rear axle.
- 14 (d) New brake linings and drums.
- 15 (e) New hydraulic brake lines.
- 16 (f) Front and rear springs.
- 17 (g) New paint in the interior.
- 18 (h) New exhaust system.

19 (4) "Rule" means a rule promulgated pursuant to the adminis-
20 trative procedures act of 1969, Act No. 306 of the Public Acts of
21 1969, being sections 24.201 to 24.328 of the Michigan Compiled
22 Laws.

23 Sec. 7. (1) "School bus" means a motor vehicle, other than
24 a station wagon or passenger van, with a manufacturer's rated
25 seating capacity of 16 or more pupils used for the transportation
26 of school pupils to and from school which either is owned by a
27 school district or, if privately owned, is transporting school

1 pupils under a contract with a local school district, a local act
2 school district, or an intermediate school district. School bus
3 does not include a vehicle operated by a municipally owned trans-
4 portation system or by a carrier certified by the Michigan public
5 service commission. As used in this subsection:

6 (a) "Passenger van" means a motor vehicle designed to carry
7 not more than 15 passengers, built on a truck chassis, and regis-
8 tered and titled by the secretary of state as a station wagon.

9 (b) "Station wagon" means a motor vehicle designed to carry
10 not more than 10 passengers and built on a passenger vehicle
11 chassis.

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

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

16 (4) "Type I premium school bus" means a school bus with a
17 passenger capacity of over 66 pupils and any other school bus
18 purchased by a district at a cost for the vehicle, excluding
19 interest and special equipment, which exceeds by more than 15%
20 the average cost of a school bus meeting state minimum specifica-
21 tions of the same capacity purchased during the same year.

22 Sec. 9. The state board of education shall regulate pupil
23 transportation. The state board shall promulgate rules as neces-
24 sary to implement this act pursuant to the administrative proce-
25 dures act of 1969, Act No. 306 of the Public Acts of 1969, being
26 sections 24.201 to 24.328 of the Michigan Compiled Laws.

1 Sec. 10. Each motor vehicle owned by a public, private, or
2 governmental agency and operated for the transportation of
3 children to or from school or privately owned and operated for
4 compensation for the transportation of children to or from school
5 shall meet the passenger protection federal motor vehicle safety
6 standards applicable to the construction and sale of school
7 buses.

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

11 (2) A type I school bus shall have an outside body width of
12 not more than 96 inches; an outside overall length of not more
13 than 40 feet; and an inside height of not less than 72 inches,
14 aisle floor surface to ceiling. A type II school bus shall have
15 an outside body width of not more than 96 inches; and an inside
16 height of not less than 60 inches, aisle floor surface to
17 ceiling.

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

21 (4) A bus floor shall be of metal at least equal in strength
22 to 14-gauge steel and so constructed and maintained that exhaust
23 gases cannot enter the bus. The floor, including wheelhousing,
24 shall be covered and maintained with 1/8-inch smooth rubber. The
25 aisles shall be covered and maintained with 3/16-inch ribbed
26 rubber. The rib-aisle shall continue to the stepwell. Metal
27 longitudinal strips shall be applied to the aisle seams. Floors

1 shall be coved to the walls. All closures between the body and
2 the engine compartment shall be fitted with gaskets which effec-
3 tively prevent gas from entering the body. The bus body floor,
4 cross members, and skirts shall be completely undercoated. A
5 transmission inspection plate, if any, need not be rubber-covered
6 but shall be firmly attached. Plywood floors are optional.

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

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

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

22 (b) Type II school bus: subdivision (a) applies to type II
23 buses except that body gauge metal may be substituted for safety
24 glass in the lower portion of the rear emergency door, and double
25 rear emergency doors may be used. A double rear emergency door
26 shall have a 3-point latch.

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

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

4 (9) The electrical system shall be 12 volt D.C. provided
5 through an alternator with a minimum of 100 amp rating and a min-
6 imum battery storage capacity of 500 CCA with gasoline engine, or
7 900 CCA with diesel engine provided through 1 12-volt battery, 2
8 12-volt batteries, or 2 6-volt batteries. There shall not be an
9 opening through the floor of the bus to service the battery.

10 Sec. 13. (1) A school bus seating 60 or more passengers and
11 manufactured after January 1, 1971, shall be equipped with an air
12 brake system. A bus shall be equipped with an emergency stopping
13 system designed and constructed to permit modulated control of
14 brake application and release, and to prevent release by the
15 driver unless energy is available for reapplication. The brake
16 system shall be provided with an electrically heated moisture
17 ejector on each air reservoir. Each air reservoir in the system
18 shall be equipped with a manual petcock valve on the bottom of
19 the tank. If the automatic moisture ejection valve is equipped
20 with a manual drain control or built-in petcock, a separate
21 manual petcock is not required. The air reservoir tanks shall be
22 mounted on the chassis frame with not less than 15 inches clear-
23 ance between the ground and the lowest part of the tank or tank
24 component.

25 (2) The automatic transmission shall have not less than 4
26 forward gear ratios. On type II school buses, the automatic

1 transmission shall have not less than 3 forward gear ratios. The
2 manual shift transmission is optional.

3 Sec. 15. (1) A school bus shall be equipped with class A
4 turn signal lamps. A lamp used on a bus more than 80 inches wide
5 shall project illumination of an area of not less than 12 square
6 inches measured on a plane at right angles to the axis of the
7 lamp. These signals shall be independent units equipped with a
8 4-way hazard warning switch to cause simultaneous flashing of
9 turn signal lamps when needed as a vehicular traffic hazard
10 warning. The front turn signal lights shall be double-faced and
11 side-mounted.

12 (2) Alternately flashing stop lights shall comply with
13 section 27. They shall be operated by a manually operated switch
14 and detached from any other instrument on the bus. A flashing
15 light shall not be connected to the brakes or the service door.
16 A 3-inch black area shall be provided around sealed beam flasher
17 lamps front and rear. Lamps indicating alternating flashing
18 light operation shall be visible to the driver.

19 (3) The location of all exterior lamps and signals shall be
20 in conformance with current United States department of transpor-
21 tation, federal motor carrier safety regulations, and with this
22 act, where applicable.

23 (4) Tail lamps and signals shall be positioned as follows:

24 (a) Two red 7-inch diameter combination stop/tail lamps shall
25 be mounted on the rear of the bus at a height of not less than 15
26 inches or more than 72 inches above the surface upon which the

1 unloaded bus rests, and shall be positioned as far apart as
2 practicable.

3 (b) Turn signals at the rear of a bus shall be 7 inches in
4 diameter with amber lens and shall be mounted on the same level
5 and outboard of the stoptail lamp combination unit.

6 (5) Beginning October 1, 1990, the replacement of any equip-
7 ment required by this section shall comply with section 16.

8 Sec. 16. (1) A school bus shall be equipped with 2 red
9 lamps at the rear of the vehicle and 2 red lamps at the front of
10 the vehicle.

11 (2) In addition to the 4 red lamps described in
12 subsection (1), 4 amber lamps shall be installed near each red
13 signal lamp, at the same level, but closer to the vertical center
14 line of the bus. The system of red and amber signal lamps shall
15 be wired so that the amber lamps are energized manually, and the
16 red lamps are automatically energized, with the amber lamps being
17 automatically de-energized, when the bus service door is opened.

18 (3) The area around the lens of each alternately flashing
19 signal lamp and extending outward approximately 3 inches shall be
20 painted black. In installations where there is no flat vertical
21 portion of body immediately surrounding the entire lens of a
22 lamp, a circular or square band of black approximately 3 inches
23 wide, immediately below and to both sides of a lens, shall be
24 painted on the body or roof area against which the signal lamp is
25 seen from a distance of 500 feet along the axis of the vehicle.
26 Visors or hoods with an appropriate black background to fit their
27 shape and roofcap may also be used. The amber and red lights

1 shall have sufficient intensity to be visible from a distance of
2 not less than 500 feet in normal sunlight.

3 Sec. 17. (1) A school bus shall be equipped with 2 wind-
4 shield wipers and 2 windshield washers. A washer reservoir shall
5 be 70 ounces or more.

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

8 (3) All glass shall be safety glass and shall comply with
9 the requirements of section 23, where applicable.

10 Sec. 19. (1) A school bus shall be equipped with an indi-
11 rect vision mirror system which will provide a clear unobstructed
12 view of the area in front of the bus and the area in front and
13 immediately adjacent to the left and right front wheels. The
14 mirror system shall:

15 (a) Consist of mirrors convex in shape, at least 7-1/2
16 inches in diameter with adjustable mirror heads, firmly mounted
17 at the hood or fender of the bus in a manner as not to present an
18 obstruction to the driver's direct view of pedestrians in front
19 of the bus.

20 (b) Permit the seated bus driver to see the area immediately
21 in front of each front wheel, below and 6 inches behind the front
22 vertical plane of the front bumper and the area forward of the
23 front bumper to a point where the driver, by direct vision, may
24 see a pedestrian crossing in front of the bus.

25 (2) The interior mirror shall be clear view, tempered safety
26 glass with a reflective surface of 6 inches in height by 30
27 inches in width for type I buses, and shall be metal-backed and

1 framed. It shall have rounded corners and padded edges.

2 Interior mirrors for type II buses shall have a reflective sur-
3 face of 6 inches in height by 15 inches in width and shall be
4 protected by framing and padding as for type I buses.

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 Sec. 21. (1) A school bus shall be equipped with at least
9 1, 2A-10BC dry chemical fire extinguisher, or its equivalent,
10 which is approved by underwriters' laboratories, incorporated and
11 which has an aluminum, brass, or bronze valve. The extinguisher
12 shall be mounted securely in an accessible place in the driver's
13 compartment and shall be in satisfactory operating condition at
14 all times.

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

- 19 (a) Bandage compress (sterile gauze
20 pads), 4-inch..... 2 packages.
- 21 (b) Bandage compress (sterile gauze
22 pads), 2-inch..... 2 packages.
- 23 (c) Adhesive compress, 1-inch..... 2 packages.
- 24 (d) Triangular bandage with 2 safety
25 pins, 40-inch..... 1 package.
- 26 (e) Roll gauze..... 1 package.

1 (f) Elastic bandage, 3-inch..... 1 package.

2 Antiseptics and burn ointments shall not be included, except
3 as required by the public service commission.

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

11 Sec. 23. (1) A person shall not sell a new motor vehicle
12 nor shall a new motor vehicle be registered thereafter which is
13 designed or used as a school bus unless that vehicle is equipped
14 with safety glass wherever glass is used in doors, windows, and
15 windshields. Rigid safety plastic which meets the test require-
16 ments of American national standards institute standard
17 Z26.1-1966 may be used on buses in lieu of safety glass, except
18 that front windshields shall be equipped with safety glass. The
19 superintendent of public instruction shall specify that school
20 buses shall be fitted with at least 1 push-out window sash on
21 each side of any bus on which the plastic panes are installed.

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

26 Sec. 25. Any part of a gasoline tank or container or intake
27 pipe shall not be located within or above the passenger-carrying

1 portion of a school bus unless securely sealed off from that
2 portion by means of a substantial metal cover. The gasoline con-
3 tainer, including intake pipe, cap and vent on a school bus manu-
4 factured subsequent to December 31, 1964, shall be so designed
5 that, in the event of overturn, the gasoline will not be spilled
6 at a rate in excess of 1 ounce per minute.

7 Sec. 27. (1) A school bus transporting pupils outside of
8 incorporated cities or villages and inside of incorporated cities
9 or villages where stopping of school buses is controlled by local
10 ordinance shall be painted and shall contain signs on the back
11 and front of the school bus as approved by the state transporta-
12 tion department and the superintendent of public instruction.

13 (2) The driver of the school bus, before resuming motion,
14 shall deactivate flashing lights and permit stopped traffic to
15 proceed and shall, when resuming motion, proceed in a manner
16 which will allow congested traffic to disperse by keeping the bus
17 as near to the right side of the road as can be done with
18 safety. Passengers crossing the road upon being discharged from
19 a school bus shall cross in front of the stopped school bus. At
20 an intersection where traffic is controlled by an officer or a
21 traffic stop-and-go signal a vehicle need not be brought to a
22 full stop before passing a stopped school bus, but may proceed
23 past the school bus at a speed not greater than is reasonable and
24 proper but not greater than 10 miles an hour and with due caution
25 for the safety of passengers being received or discharged from
26 the school bus. This subsection shall not be applicable to buses
27 inside incorporated cities or villages, but shall apply to a

1 school bus transporting passengers on a boundary street of an
2 incorporated city or village. Where the stopping for school
3 buses is controlled by local ordinance, the ordinance shall be
4 enforceable when signs giving notice of the local traffic regula-
5 tion are posted upon or at the entrance to the area or part of
6 the area affected as may be most appropriate or sufficiently leg-
7 ible as to be seen by an ordinarily observant person. The driver
8 of a vehicle who fails to stop for a school bus as required by
9 this subsection, who passes a school bus in violation of this
10 subsection, or who fails to stop for a school bus in violation of
11 an ordinance which complies with this subsection, is guilty of a
12 misdemeanor.

13 (3) A school bus driver shall not stop the bus for the pur-
14 pose of receiving or discharging passengers, unless the bus is
15 completely visible in its stopped position to approaching or
16 overtaking drivers of vehicles for a distance of at least 400
17 feet.

18 (4) The driver of a vehicle upon a highway which has been
19 divided into 2 roadways by leaving an intervening space, or by a
20 physical barrier, or clearly indicated dividing sections so con-
21 structed as to impede vehicular traffic, need not stop upon meet-
22 ing a school bus which has stopped across the dividing space,
23 barrier, or section.

24 (5) A school bus transporting pupils outside of incorporated
25 cities or villages and inside of incorporated cities or villages
26 where stopping of school buses is controlled by local ordinance,
27 in addition to any other equipment and distinctive marking

1 required by law, shall be equipped with signal lamps mounted as
2 high and widely spaced laterally as practicable which shall be
3 capable of displaying to the front 2 alternately flashing red
4 lights located at the same level and to the rear 2 alternately
5 flashing red lights located at the same level. The lights shall
6 have sufficient intensity to be visible from a distance of not
7 less than 500 feet in normal sunlight and shall be actuated by
8 the driver of the school bus when, but only when, the vehicle is
9 stopped and for a distance of at least 200 feet in advance of a
10 stop for the purpose of receiving or discharging school
11 children. The lights shall not be actuated inside of incorpo-
12 rated cities or villages unless stopping of school buses is con-
13 trolled by local ordinance. A school bus operating on a public
14 highway and transporting passengers primarily other than school
15 pupils shall not have the alternately flashing red lamps in
16 operation.

17 (6) A school bus shall be equipped with flashing red lights
18 which shall be actuated by the driver only when the school bus is
19 stopped or stopping on a highway pursuant to this section. A
20 school bus may also be equipped with a flashing, oscillating, or
21 rotating light mounted on the roof of the bus approximately 6
22 feet from the rear of the vehicle which displays a white light to
23 the front, side, and rear of the bus which light may be actuated
24 by the driver for use only in inclement weather such as fog,
25 rain, or snow, or when the school bus is stopped or stopping on a
26 highway pursuant to this section, or where conditions hinder the
27 visibility of the school bus.

1 (7) A school bus shall be equipped with a mirror, convex in
2 shape, at least 7-1/2 inches in diameter firmly mounted at hood
3 or fender top height in front of the bus. The mirror shall be
4 located on either the left or right side of the bus in a manner
5 so that the seated driver may observe through its use the road
6 from the front bumper forward to the point where direct observa-
7 tion is possible.

8 (8) In a proceeding for a violation of subsection (2), proof
9 that the particular vehicle described in the citation, complaint,
10 or warrant was in violation of subsection (2), together with
11 proof that the defendant named in the citation, complaint, or
12 warrant was, at the time of the violation, the registered owner
13 of the vehicle, shall constitute in evidence a presumption that
14 the registered owner of the vehicle was the driver of the vehicle
15 at the time of the violation.

16 (9) Except as otherwise provided in subsection (2), a person
17 who violates this section is responsible for a civil infraction.

18 Sec. 29. (1) A school bus transporting pupils outside of
19 incorporated cities or villages and inside of incorporated cities
20 or villages where stopping of school buses is controlled by local
21 ordinance shall be painted and shall contain signs on the back
22 and front of the school bus as approved by the state transporta-
23 tion department and the superintendent of public instruction.

24 (2) Each school bus purchased or repainted shall be painted,
25 with the exception of trim, national school bus chrome yellow, as
26 specified by the national bureau of standards specification.
27 Body trim, if used, shall be black. The name of the school

1 district shall be painted in black on the back, front, and sides
2 of the bus.

3 (3) A bus, not engaged in the transportation of school
4 pupils, either part-time or full-time, shall not be painted in
5 colors and design specified in subsection (2).

6 (4) The state board and law enforcement officers shall
7 enforce the requirements of this section.

8 Sec. 31. (1) Standards prescribed in this act for a school
9 bus apply to buses manufactured subsequent to 1977. Copies of
10 the standards in composite form shall be made available from the
11 department of education at no cost.

12 (2) A school bus which is not painted school bus chrome
13 yellow and is being operated by a municipally-owned transporta-
14 tion system or by a common passenger carrier certificated by the
15 public service commission on the date this act takes effect is
16 not required to be painted school bus chrome yellow or identified
17 as a school bus until it is repainted. A school bus not painted
18 school bus chrome yellow shall be subject only to sections 11(3),
19 (6), and (7), 15(3), 17, 19, 21, 35, and 37(3), (4), and (5).

20 Sec. 33. A school bus shall be marked as required by
21 department of education standards for school bus markings and
22 operational procedures available from the department of education
23 at no cost. As an exception to these standards, animal pictures,
24 cartoon figures, and similar insignia may be affixed to the bus
25 in a temporary manner near the entrance door to assist in identi-
26 fying the bus route. A school bus shall be painted as follows:

1 (a) The body, cowl, hood, and fenders shall be national
2 school bus chrome yellow.

3 (b) The bumper, body trim, wheels, and lettering shall be
4 black. The wheel rims shall be gray, black, or natural, as pro-
5 vided by the manufacturer.

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

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

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

10 Sec. 35. A school bus shall have, in operating condition,
11 all equipment required by this act.

12 Sec. 37. (1) The state board shall promulgate rules for
13 safety specifications for school buses transporting pupils to
14 public and nonpublic schools.

15 (2) The department of state police shall inspect each school
16 bus annually, and more frequently in a school district where bus
17 defects have been found, to determine if the bus meets the speci-
18 fications of the state board. The department of state police may
19 delegate the inspection of school buses to publicly employed
20 inspectors if the inspection complies with this section.

21 (3) Inspection of a school bus may be accomplished at any
22 time, at any location, on or off a school district site, and as
23 frequently as the department of state police considers necessary
24 to secure passenger safety. A bus may be rejected by the
25 inspecting state police official for further use in transporta-
26 tion of school children if it does not meet the requirements of
27 this act or if the conditions for rejection of a school bus are

1 not corrected while the official is present. However, if a bus
2 is determined to be safe for operation even though in unsatisfac-
3 tory condition, the official may determine that not more than 60
4 days shall be allowed to effect a specific repair.

5 (4) A school bus determined by a department of state police
6 official to be unsafe for further operation as a school bus shall
7 not be used in the transportation of any child. The bus shall
8 have affixed on its windshield by the official a statement "This
9 bus may not be driven in the transportation of any child.
10 Failure to obey this statement is cause for arrest." The state-
11 ment shall remain until its removal is authorized by a department
12 of state police official.

13 (5) A bus determined to be in unsatisfactory condition but
14 safe for operation as a school bus for a limited period of time
15 shall have affixed on its windshield by the inspecting official a
16 statement "This bus has equipment defects. Repairs and reinspec-
17 tion shall be obtained on or before _____. Removal of this
18 notice from the bus without reinspection is cause for arrest."
19 The statement shall remain until its removal is authorized by a
20 department of state police official.

21 (6) A bus whose major use is the transportation of school
22 pupils shall carry at least 1 fire extinguisher as a matter of
23 public safety.

24 (7) A board of education, employee of a school district, or
25 other person having control over the operation of a school bus
26 shall not operate or permit to be operated a school bus which has
27 not been inspected under this section.

1 (8) A school bus shall meet the specifications for school
2 buses prescribed by this act and the rules promulgated pursuant
3 to this act.

4 (9) The department of state police shall inspect a new
5 school bus before a school board or intermediate school board
6 accepts delivery of the new school bus. The department of state
7 police shall determine whether the new school bus is acceptable
8 for delivery. The department of state police may delegate the
9 inspection of new school buses to publicly employed inspectors if
10 the inspection complies with this subsection. A school board
11 shall not accept delivery of a new school bus unless the new
12 school bus has been inspected and granted final approval by the
13 department of state police under this subsection and title to the
14 school bus has been obtained by the school board in compliance
15 with this act.

16 (10) A modified school bus which uses compressed natural
17 gas, liquefied natural gas, or liquefied petroleum gas shall not
18 be used to transport pupils unless the installation of the fuel
19 system has been inspected and approved as safe by the department
20 of state police.

21 Sec. 39. A school bus subject to inspection pursuant to
22 this act that is, in whole or in part, school bus chrome yellow
23 or any color commonly referred to as yellow, and that is engaged
24 in the transportation of pupils shall comply with the require-
25 ments for school buses set forth in this act or rules promulgated
26 pursuant to this act; except that buses manufactured before
27 July 15, 1982 and that have a rated seating capacity of 60 or

1 more passengers are not required to be equipped with an air brake
2 system.

3 Sec. 41. (1) A school bus may be rejected by the inspecting
4 state official for use in transporting passengers if it does not
5 meet the requirements of this act or rules promulgated pursuant
6 to this act or if the conditions responsible for the rejection of
7 the bus are not corrected while the official is present.

8 (2) A vehicle that is determined by a state police official
9 to be unsafe for further operation as a school bus shall not be
10 used in the transportation of any passengers. An unsafe vehicle
11 shall have affixed to its windshield, by the state police offi-
12 cial, a red sticker which shall read as follows: "This bus may
13 not be driven in the transportation of any passenger.
14 Utilization of this vehicle to transport passengers is in viola-
15 tion of law. [reverse side] Do not remove without State Police
16 authorization." The sticker shall remain until the vehicle is
17 reinspected by a state police official.

18 (3) A school bus that is considered to be in unsatisfactory
19 condition, but that is safe for operation, shall have affixed to
20 its windshield by the state police official a yellow sticker
21 which shall read as follows: "This bus has equipment
22 defects.[reverse side] Repairs and reinspection shall be obtained
23 on or before _____. Do not remove without State Police
24 authorization." The sticker shall remain until the vehicle is
25 reinspected by a state police official. If, upon reinspection,
26 the vehicle defect has not been repaired, replaced, or corrected,
27 the state police official shall remove the yellow sticker and

1 affix a red sticker to the vehicle. Exceptions may be made when
2 the necessary parts or equipment has been ordered but not
3 received at the time of reinspection. Reinspection may take
4 place within 60 days after the original inspection.

5 (4) A bus that is considered to be in satisfactory condition
6 after inspection by a state police official shall have a Michigan
7 vehicle inspection passing sticker affixed to its windshield.

8 Sec. 43. (1) A school bus with a manufacturers rated seat-
9 ing capacity of 12 or more which is owned, leased, or used by a
10 nonpublic school, religious organization, nonprofit youth organi-
11 zation, nonprofit rehabilitation facility, or senior citizen
12 center for the transportation of passengers shall not be operated
13 on a highway unless the vehicle has been inspected as provided in
14 this section.

15 (2) The department of state police shall inspect each school
16 bus with a manufacturers rated seating capacity of 12 or more,
17 which is owned, leased, or used by a nonpublic school, religious
18 organization, nonprofit youth organization, nonprofit rehabilita-
19 tion facility, or senior citizen center for the transportation of
20 passengers, annually, and more frequently if defects are found in
21 the organization's vehicles, to determine if the vehicles meet
22 the specifications of the department of state police. The
23 department of state police may delegate the inspection of vehi-
24 cles under this section to publicly employed inspectors if the
25 inspections comply with this section.

26 (3) The department of state police shall promulgate rules
27 for safety equipment for a school bus regulated under this

1 section pursuant to the administrative procedures act of 1969,
2 Act No. 306 of the Public Acts of 1969, being sections 24.201 to
3 24.328 of the Michigan Compiled Laws.

4 Sec. 45. A certificate of title for a school bus shall be
5 issued to a school board that has purchased the school bus by the
6 secretary of state only after a manufacturer's statement of
7 origin has been provided to the secretary of state. If the body
8 and chassis of a school bus are not built by the same manufactur-
9 er, a certificate of title for the school bus shall be issued to
10 a school board by the secretary of state only after a
11 manufacturer's statement of origin has been provided by the body
12 dealer and chassis dealer to the secretary of state.

13 Sec. 47. (1) A person, whether or not licensed under the
14 Michigan vehicle code, Act No. 300 of the Public Acts of 1949,
15 being sections 257.1 to 257.923 of the Michigan Compiled Laws,
16 who is 17 years of age or less shall not drive a motor vehicle
17 while in use as a school bus for the transportation of pupils.
18 Before driving a school bus, a person shall pass annual physical
19 and driver competence examinations as authorized by the superin-
20 tendent of public instruction. The tests shall be made available
21 annually in each of the intermediate school districts. A person
22 regularly employed as a school bus driver shall not drive a motor
23 vehicle while in use as a school bus without possessing a valid
24 chauffeur's license and a class 3 indorsement under section 312e
25 of the Michigan vehicle code, Act No. 300 of the Public Acts of
26 1949, being section 257.312e of the Michigan Compiled Laws. A
27 person shall not operate a school bus unless that person

1 possesses a valid chauffeur's license and a class 3 indorsement
2 under section 312e, Act No. 300 of Public Acts of 1949, being
3 section 257.312e of the Michigan Compiled Laws.

4 (2) Upon receiving proper application from a person who is
5 18 years of age or older who holds a valid operator's or
6 chauffeur's license, the secretary of state may issue a temporary
7 instruction permit entitling the person while carrying the permit
8 to drive a school bus for a period of 150 days, but only when
9 accompanied by a licensed adult operator or chauffeur who is
10 licensed with the appropriate vehicle group designation and
11 indorsement and who is actually occupying a seat behind the
12 driver if the permittee is driving a school bus.

13 Sec. 49. A driver of a public or nonpublic school bus or
14 pupil transportation vehicle shall have in his or her possession
15 a certificate stating that he or she has completed a course in
16 school bus safety education within the immediately preceding 2
17 years. The entry level course and subsequent 6-hour continuing
18 education course shall be approved by the superintendent of
19 public instruction and shall be provided by an intermediate
20 school district or a state university. The cost of the course of
21 instruction and the base rate of compensation of the driver
22 during the course of instruction shall be reimbursed by the state
23 on an equal basis for public and nonpublic schools as provided
24 for by the department of education. The certificate of comple-
25 tion of each course shall be prescribed by the superintendent of
26 public instruction and completed by an instructor of the course.
27 Failure to complete the entry level course or the 6-hour

1 continuing education course within 2 years after certification of
2 completion of a prior course shall be reported by the instruc-
3 tional agency to the department of education and to the school
4 which employs the bus driver. A driver who fails to complete or
5 meet the continuing education requirements shall not be permitted
6 to drive a school bus transporting passengers. This section
7 shall not be construed to apply to employees or transportation
8 equipment operators of commercial bus companies engaged in the
9 regular business of carrying passengers for hire.

10 Sec. 51. (1) All regular drivers and substitute drivers of
11 school buses shall meet the following qualifications:

12 (a) The driver shall be in good physical and mental health,
13 be able-bodied, free from communicable disease, and strong enough
14 physically to handle the bus with ease.

15 (b) As evidence of his or her physical fitness and mental
16 alertness, the driver shall submit, not less than once each 5
17 years, to a physical examination by a reputable physician desig-
18 nated by the local board of education, and he or she shall
19 present the physician's certificate to the employing school board
20 or the superintendent of the school to which the pupils are being
21 transported. A superintendent who has reason to believe that a
22 driver is not physically qualified to drive a school bus may
23 require a physical examination for that driver at more frequent
24 intervals.

25 (c) A record of each employed school bus driver, together
26 with a physician's certificate shall be maintained in the office
27 of the local school superintendent. In case of a primary school

1 district, the record and certificate shall be filed with the
2 intermediate school superintendent on forms prescribed by the
3 superintendent of public instruction.

4 (2) A person shall not smoke on a school bus within 1 hour
5 of the use of the bus by pupils.

6 Sec. 53. (1) Except as provided in subsections (2), (3),
7 and (4), the driver of a school bus, before crossing a railroad
8 track at grade, shall stop the vehicle within 50 feet but not
9 less than 10 feet from the nearest rail and while stopped shall
10 listen and look in both directions along the track for an
11 approaching train and for signals indicating the approach of a
12 train, and shall not proceed until the driver can do so safely.
13 After stopping as required in this subsection, and upon proceed-
14 ing when it is safe to do so, the driver of the vehicle shall
15 cross only in a gear of the vehicle that does not require chang-
16 ing gears while traversing the crossing. The driver shall not
17 shift gears while crossing the track or tracks.

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

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

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

1 Acts of 1909, being section 462.14 of the Michigan Compiled Laws;
2 or federal law.

3 (ii) The track has been covered or removed.

4 (iii) 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 cross-
8 ing is protected by a clearly visible signal, crossing gate, or
9 barrier at a time when the signal, crossing gate, or barrier is
10 not activated.

11 (5) A person who violates this section is responsible for a
12 civil infraction.

13 Sec. 55. (1) A driver of a school bus shall not transport
14 or permit to be transported on a school bus while transporting
15 pupils to and from school a person other than pupils, persons
16 enrolled in a school-sponsored preschool program authorized by
17 state or federal statute, teachers, or chaperons of the pupils or
18 other persons authorized by the local board of education for the
19 protection of property or the health, safety, and welfare of the
20 pupils or persons attending other school related functions, or
21 both. This subsection shall not apply during the transportation
22 of persons under section 59.

23 (2) After the fourth Friday following Labor day of each
24 school year a school bus shall not be used to transport more than
25 110% of the number of persons for which the school bus has a
26 rated seating capacity.

1 (3) All school buses transporting pupils shall be equipped
2 with first aid kits, fire extinguishers, and traffic flares in a
3 number and with a quality which the superintendent of public
4 instruction prescribes by rules.

5 (4) A person who violates this section is responsible for a
6 civil infraction.

7 Sec. 57. A person driving a school bus shall not exceed the
8 speed of 55 miles per hour on a limited access highway or freeway
9 and 50 miles per hour on any other roadway.

10 Sec. 59. (1) Pursuant to an agreement made under subsection
11 (4), the board of a school district may permit the use of a
12 school bus which is not otherwise being used for school purposes
13 by an organization or group for purposes of transporting senior
14 citizens or retired or disabled persons to or from an activity,
15 event, or outing, if the board determines that suitable or eco-
16 nomically feasible public or private transportation is not avail-
17 able for this purpose. Mileage, insurance, and other costs may
18 be paid by the group or organization or may be waived by the
19 board of the school district.

20 (2) The board of a school district may permit the use of a
21 school bus for the purposes of transporting persons other than
22 pupils to school-sponsored events. The board may collect a fee
23 for transporting persons other than pupils to or from
24 school-sponsored events to cover expenses for the trips
25 involved. Insurance to indemnify the school district, its offi-
26 cers, or employees against liability for damages arising out of
27 the use of school buses shall be obtained before persons other

1 than pupils are transported and fees charged. The pupils of the
2 district should be given first priority for any transportation
3 furnished by the board.

4 (3) The board of a school district shall not purchase addi-
5 tional school buses for the sole purpose of implementing this
6 section.

7 (4) A local unit of government, including a city, county,
8 village, or township, may enter into an agreement with a board of
9 a school district within its area for the use of school buses to
10 transport senior citizens or retired or disabled persons, subject
11 to the same terms and conditions provided in subsection (1) and
12 subject to the terms and conditions in subsection (5).

13 (5) A school district may contract with a federal, state, or
14 local unit of government or an authorized government subcontrac-
15 tor for the use of a school bus to transport persons, if all of
16 the following conditions exist:

17 (a) The school bus is not being used for school purposes.

18 (b) The persons are to be transported to or from an activity
19 which is sponsored or operated by the unit of government.

20 (c) The school bus is not to be used for transporting
21 freight, goods, or merchandise other than that which is carried
22 on the laps of individual passengers.

23 (d) A subcontractor of a unit of government has obtained
24 written evidence of a contract with the governmental agency which
25 shows that the subcontractor is authorized to expend funds for
26 the transportation for which the use of a school bus is
27 requested.

1 (e) It is determined that other suitable or economical
2 transportation is not available.

3 (6) A school bus shall be returned in adequate time to be
4 properly checked and serviced for its scheduled route
5 assignment.

6 (7) The state board shall promulgate rules to implement this
7 section.

8 Sec. 61. (1) If a determination is made that economically
9 feasible private transportation does not exist, the board of a
10 local or intermediate school district may contract with a feder-
11 al, state, or local unit of government, or a subcontractor of
12 these units, for the use of a school bus to transport persons to
13 or from an activity or function sponsored or operated by the unit
14 of government. The governmental agency, or subcontractors of the
15 governmental agency, shall pay the full costs incurred in the use
16 of a school bus. A school bus may be contracted out only in com-
17 pliance with the provisions of the local or intermediate school
18 district insurance policy. A school district shall not purchase
19 additional school buses for the sole purpose of implementing this
20 provision of law.

21 (2) The provision of school buses for the purpose provided
22 in subsection (1) shall not be made if bus service for K to 12
23 pupils of the local or intermediate school district would be
24 compromised.

25 (3) The state board shall promulgate rules to implement sub-
26 section (1).

1 Sec. 63. 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 transpor-
6 tation vehicles and school buses and the cost of rehabilitation
7 of school buses to extend the period of usefulness.

8 Sec. 65. (1) A person who violates this act is guilty of a
9 misdemeanor, unless that violation is by this act or other law of
10 this state declared to be a felony or a civil infraction.

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