

Act No. 170
Public Acts of 1996
Approved by the Governor
April 18, 1996
Filed with the Secretary of State
April 18, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Reps. Dalman, Cropsey, Ryan, Fitzgerald, Bush and Jersevic

ENROLLED HOUSE BILL No. 5543

AN ACT to amend sections 57 and 59 of Act No. 187 of the Public Acts of 1990, 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," being sections 257.1857 and 257.1859 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 57 and 59 of Act No. 187 of the Public Acts of 1990, being sections 257.1857 and 257.1859 of the Michigan Compiled Laws, are amended to read as follows:

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

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

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

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

(b) The track has been covered or removed.

(c) All signs, signals, and other warning devices are removed.

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

(5) A person who violates this section is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$100.00. A civil infraction under this subsection shall be processed in the same manner as a civil infraction

under the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

Sec. 59. (1) A driver of a school bus shall not transport or permit to be transported on a school bus while transporting pupils to and from school a person other than pupils, persons enrolled in a school-sponsored preschool program authorized by state or federal statute, teachers or chaperons of the pupils or other persons authorized by the school for the protection of property or the health, safety, and welfare of the pupils or persons attending other school related functions, or both. This subsection shall not apply during the transportation of persons under section 65.

(2) After the fourth Friday following Labor day of each school year a school bus shall not be used to transport more than 100% of the number of persons for which the school bus has a rated seating capacity.

(3) A person who violates or directs a violation of this section is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$100.00. A civil infraction under this subsection shall be processed in the same manner as a civil infraction under the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.