

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 57

A bill to amend 1990 PA 187, entitled  
"The pupil transportation act,"  
by amending sections 5, 7, 10, 10a, 17, 19, and 55 (MCL 257.1805,  
257.1807, 257.1810, 257.1810a, 257.1817, 257.1819, and 257.1855),  
section 7 as amended by 1992 PA 227, section 10 as amended by  
1996 PA 191, section 10a as added by 1990 PA 322, and section 55  
as amended by 1991 PA 184.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

5       (2) "MOTOR BUS" AND "MOTOR CARRIER OF PASSENGERS" MEAN THOSE  
6 TERMS AS DEFINED IN SECTION 3 OF THE MOTOR BUS TRANSPORTATION  
7 ACT, 1982 PA 432, MCL 474.103.

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1 (3) ~~(2)~~ "Nonpublic school" means a private school, a  
2 denominational school, or a parochial school as defined by law.

3 (4) ~~(3)~~ "Public school" means a local school district, a  
4 local act school district, A PUBLIC SCHOOL ACADEMY, A UNIVERSITY  
5 SCHOOL, or an intermediate school district as defined by law.

6 (5) ~~(4)~~ "Pupil transportation vehicle" means any vehicle  
7 other than a school bus WITH A MANUFACTURER'S RATED SEATING  
8 CAPACITY OF 11 OR MORE PASSENGERS, INCLUDING THE DRIVER, THAT IS  
9 used to transport pupils to or from school or school-related  
10 events. Pupil transportation vehicle does not include a vehicle  
11 operated by a ~~municipally owned transportation system or by a~~  
12 ~~carrier certified by the state transportation department~~ MOTOR  
13 CARRIER OF PASSENGERS OR A PUBLIC TRANSIT AGENCY, OR A VEHICLE  
14 USED BY A PARENT OR A PARENT'S DESIGNEE TO TRANSPORT HIS OR HER  
15 CHILDREN TO OR FROM SCHOOL OR SCHOOL-RELATED EVENTS.

16 (6) ~~(5)~~ "Rehabilitated school bus" means a bus ~~which~~  
17 THAT is at least 4 years old and has accumulated at least 100,000  
18 miles, or is 7 years old; and ~~which~~ THAT has been thoroughly  
19 inspected and had all systems repaired, replaced, or adjusted to  
20 meet the department of state police inspection requirements  
21 including but not limited to:

- 22 (a) Engine overhaul of short block.  
23 (b) New tires on the front axle.  
24 (c) New recap tires on the rear axle.  
25 (d) New brake linings and drums.  
26 (e) New hydraulic brake lines.

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1 (f) New front and rear springs.

2 (g) New paint in the interior.

3 (h) New exhaust system.

4 (7) ~~(6)~~ "Rule" means a rule promulgated pursuant to the  
5 administrative procedures act of 1969, ~~Act No. 306 of the Public~~  
6 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~  
7 ~~Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328.

8 (8) ~~(7)~~ "School" means either a public school or a nonpub-  
9 lic school, or both.

10 Sec. 7. (1) "School bus" means a motor vehicle, other than  
11 a ~~station wagon or passenger van~~ PUPIL TRANSPORTATION VEHICLE,  
12 with a manufacturer's rated seating capacity of ~~16~~ 11 or more  
13 passengers, INCLUDING THE DRIVER, used for the transportation of  
14 ~~school~~ pupils to ~~and~~ OR from school ~~and~~ OR school-related  
15 events ~~which either~~ THAT is owned by a school or ~~, if owned by~~  
16 ~~an entity other than a school, is transporting school~~ IS USED TO  
17 TRANSPORT pupils under a contract or agreement with a school.  
18 School bus does not include a vehicle operated by a public tran-  
19 sit agency or authority or by a MOTOR carrier certified by the  
20 state transportation department unless the vehicle is used exclu-  
21 sively to transport ~~school~~ pupils or is used to transport  
22 ~~school~~ pupils along a route designed to serve 1 or more schools  
23 in a school district if elementary school pupils along the route  
24 are required to cross the highway or roadway, as described in  
25 section 55. For the purposes of this act, a parent, parent's  
26 designee, or guardian transporting ~~their~~ HIS OR HER child or  
27 another child with written permission of the other child's parent

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1 or guardian on a school-related event, if not compensated by the  
2 school, shall not be considered an agent of the school.

3 (2) "SCHOOL TRANSPORTATION VEHICLE" MEANS ANY MOTOR VEHICLE  
4 WITH A MANUFACTURER'S RATED SEATING CAPACITY OF 10 PASSENGERS OR  
5 LESS, INCLUDING THE DRIVER, WHEN OPERATED FOR THE SCHEDULED  
6 TRANSPORTATION OF PUPILS TO OR FROM SCHOOL OR SCHOOL-RELATED  
7 EVENTS. SCHOOL TRANSPORTATION VEHICLE DOES NOT INCLUDE A VEHICLE  
8 USED BY A PARENT OR PARENT'S DESIGNEE TO TRANSPORT CHILDREN TO OR  
9 FROM SCHOOL OR SCHOOL-RELATED EVENTS.

10 (3) ~~(2)~~ "Type I school bus" means a school bus with a  
11 gross vehicle weight rating of more than 10,000 pounds.

12 (4) ~~(3)~~ "Type II school bus" means a school bus with a  
13 gross vehicle rating of 10,000 pounds or less.

14 (5) ~~(4)~~ "Type I premium school bus" means a school bus  
15 with a passenger capacity of over 66 pupils and any other school  
16 bus purchased by a district at a cost for the vehicle, excluding  
17 interest and special equipment, which exceeds by more than 15%  
18 the average cost of a school bus meeting state minimum specifica-  
19 tions of the same capacity purchased during the same year.

20 Sec. 10. (1) Each motor vehicle owned OR OPERATED by a  
21 public ~~, OR private , or governmental agency and operated~~  
22 NONPUBLIC SCHOOL, AN AGENT OF A SCHOOL, A PRIVATE BUSINESS, OR A  
23 UNIT OF GOVERNMENT for the transportation of ~~passengers~~ PUPILS  
24 to or from school ~~and~~ OR school-related events shall meet or  
25 exceed the ~~passenger protection~~ federal motor vehicle safety  
26 standards applicable to the construction and sale of that vehicle  
27 AND FOR ALL SEATING POSITIONS IN THAT VEHICLE. ~~A vehicle for~~

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~~1 which there are no applicable passenger protection federal motor~~  
~~2 vehicle safety standards shall not be used to transport passen-~~  
~~3 gers to and from school and school related events.~~ A SCHOOL OR  
4 AN AGENT OF A SCHOOL MAY TRANSPORT PUPILS WITH DISABILITIES IN  
5 MOBILE SEATING DEVICES IN ACCORDANCE WITH FEDERAL STANDARDS SPE-  
6 CIFICALLY APPLICABLE TO SUCH PUPILS, THEIR WHEELCHAIRS, AND  
7 RELATED WHEELCHAIR SECUREMENT AND OCCUPANT PROTECTION SYSTEMS.

8       (2) ~~Vehicles, other than school buses, shall meet the~~  
9 ~~requirements of this section by October 1, 2002~~ A VEHICLE, OTHER  
10 THAN A SCHOOL BUS, WITH A MANUFACTURER'S RATED SEATING CAPACITY  
11 OF 11 OR MORE PASSENGERS, INCLUDING THE DRIVER, SHALL NOT BE USED  
12 TO TRANSPORT PUPILS TO OR FROM SCHOOL OR SCHOOL-RELATED EVENTS  
13 AFTER OCTOBER 1, 2002, EXCEPT AS PROVIDED IN THIS ACT.

14       (3) A school shall not purchase a vehicle ~~to be used~~ to  
15 transport ~~passengers~~ PUPILS to ~~and~~ OR from school ~~and~~ OR  
16 school-related events HAVING A MANUFACTURER'S RATED SEATING  
17 CAPACITY OF 11 OR MORE PASSENGERS, INCLUDING THE DRIVER, that  
18 does not meet or exceed the passenger protection federal motor  
19 vehicle safety standards applicable to that vehicle. A school  
20 shall not purchase a vehicle to be used to transport passengers  
21 to ~~and~~ OR from school ~~and~~ OR school-related events for which  
22 there are no applicable passenger protection federal motor vehi-  
23 cle safety standards. This subsection ~~shall apply~~ APPLIES to  
24 vehicles, other than school buses, purchased on or after  
25 October 1, 1993.

26       (4) [Vehicles used by parents or a parent's designee to  
27 transport their children to and from school and school related

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1 events under contract with the school are exempt from the  
2 requirements of this section.

(5)] SUBSECTION (2) DOES NOT APPLY TO A  
3 COMMERCIAL MOTOR VEHICLE OPERATED BY A CARRIER CERTIFICATED BY  
4 THE STATE TRANSPORTATION DEPARTMENT, OR A BUS OPERATED BY A  
5 PUBLIC TRANSIT AGENCY OR AUTHORITY EXCLUDED FROM THE DEFINITION  
6 OF SCHOOL BUS AS DESCRIBED IN SECTION 7(1).

7 Sec. 10a. (1) A school ~~district~~ may ~~use a vehicle con-~~  
8 ~~structed to standards comparable to those used by Greyhound-type~~  
9 ~~buses~~ CONTRACT WITH A MOTOR CARRIER OF PASSENGERS FOR A MOTOR  
10 BUS TO BE USED for occasional transportation OF PUPILS to OR FROM  
11 school-related events. ~~, provided that a contract for the con-~~  
12 ~~struction and delivery of that vehicle was entered into after~~  
13 ~~January 1, 1990, but before the effective date of this act. This~~  
14 ~~vehicle shall not be used for the regular route transportation of~~  
15 ~~students to and from school and home.~~

16 (2) THE DEPARTMENT OF EDUCATION MAY AUTHORIZE THE USE OF A  
17 MOTOR BUS FOR THE REGULAR ROUTE TRANSPORTATION OF PUPILS TO OR  
18 FROM SCHOOL OR HOME. THE AUTHORIZATION SHALL BE IN WRITING AND  
19 SHALL INCLUDE CONDITIONS OR RESTRICTIONS THAT ARE NECESSARY TO  
20 SAFEGUARD THE HEALTH, SAFETY, AND WELFARE OF THE PUPILS.

21 Sec. 17. (1) THIS SECTION APPLIES TO SCHOOL BUSES MANUFAC-  
22 TURED BEFORE OCTOBER 1, 1990 THAT HAVE NOT BEEN RETROFITTED TO  
23 MEET THE REQUIREMENTS OF SECTION 19.

24 (2) ~~(1)~~ A school bus shall be equipped with signal ~~lamps~~  
25 LIGHTS mounted as high and widely spaced laterally as practicable  
26 ~~which shall be~~ THAT ARE capable of displaying to the front 2  
27 OVERHEAD alternately flashing red lights located at the same

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1 level and to the rear 2 OVERHEAD alternately flashing red lights  
2 located at the same level. These sealed beam lights shall have  
3 sufficient intensity to be visible from a distance of not less  
4 than 500 feet in normal sunlight.

5 (3) ~~(2) Alternately~~ OVERHEAD ALTERNATELY flashing ~~stop~~  
6 ~~lights~~ STOPLIGHTS shall be operated by a manually operated  
7 switch and detached from any other instrument on the bus. A  
8 flashing light shall not be connected to the brakes or the serv-  
9 ice door on school buses manufactured before October 1, 1990. A  
10 3-inch black area shall be provided around sealed beam flasher  
11 lamps front and rear. Lamps indicating alternating flashing  
12 light operation shall be visible to the driver when in a normal  
13 seated position.

14 ~~(3) This section shall apply to school buses manufactured~~  
15 ~~before October 1, 1990 that have not been retrofitted to meet the~~  
16 ~~requirements of section 19.~~

17 Sec. 19. (1) THIS SECTION APPLIES TO NEW SCHOOL BUSES MANU-  
18 FACTURED ON OR AFTER OCTOBER 1, 1990 AND TO SCHOOL BUSES MANUFAC-  
19 TURED BEFORE OCTOBER 1, 1990 THAT ARE RETROFITTED TO MEET THE  
20 REQUIREMENTS OF THIS SECTION.

21 (2) ~~(1)~~ A school bus shall be equipped with signal ~~lamps~~  
22 LIGHTS mounted as high and widely spaced laterally as practicable  
23 ~~which shall be~~ THAT ARE capable of displaying to the front 2  
24 OVERHEAD alternately flashing red ~~lamps~~ LIGHTS located at the  
25 same level and to the rear 2 OVERHEAD alternately flashing red  
26 ~~lamps~~ LIGHTS located at the same level.

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1       (3) ~~(2)~~ In addition to the 4 red ~~lamps~~ LIGHTS described  
2 in subsection ~~(1)~~ (2), 4 amber ~~lamps~~ LIGHTS shall be  
3 installed near each red signal ~~lamp~~ LIGHT, at the same level,  
4 but closer to the vertical center line of the bus. The system of  
5 red and amber signal ~~lamps~~ LIGHTS shall be wired so that the  
6 amber ~~lamps~~ LIGHTS are energized manually, and the red ~~lamps~~  
7 LIGHTS are automatically energized, with the amber ~~lamps~~ LIGHTS  
8 being automatically de-energized, when the bus service door is  
9 opened.

10       (4) ~~(3)~~ The area around the lens of each OVERHEAD alter-  
11 nately flashing signal ~~lamp~~ LIGHT and extending outward approx-  
12 imately 3 inches shall be painted black. In installations where  
13 there is no flat vertical portion of body immediately surrounding  
14 the entire lens of a ~~lamp~~ LIGHT, a circular or square band of  
15 black approximately 3 inches wide, immediately below and to both  
16 sides of a lens, shall be painted on the body or roof area  
17 against which the signal ~~lamp~~ LIGHT is seen from a distance of  
18 500 feet along the axis of the vehicle. Visors or hoods with an  
19 appropriate black background to fit their shape and roofcap may  
20 also be used. These amber and red sealed beam lights shall have  
21 sufficient intensity to be visible from a distance of not less  
22 than 500 feet in normal sunlight. ~~Lamps~~ LIGHTS indicating  
23 alternately flashing light operation shall be visible to the  
24 driver when in a normal seated position.

25       ~~(4) This section shall apply to new school buses manufac-~~  
26 ~~tured on or after October 1, 1990 and to school buses~~



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1 ~~manufactured before October 1, 1990 that are retrofitted to meet~~  
2 ~~the requirements of this section.~~

3       Sec. 55. (1) A school bus driver shall actuate alternately  
4 flashing lights only when the school bus is stopped or stopping  
5 on a highway or private road for the purpose of receiving or dis-  
6 charging pupils in the manner provided in this act. A school bus  
7 driver shall not actuate the alternately flashing lights when  
8 operating on a public highway or private road and transporting  
9 passengers primarily other than school pupils.

10       (2) The driver of a school bus while operating upon the  
11 public highways or private roadways open to the public shall  
12 receive or discharge pupils from the bus in the following  
13 manner:

14       (a) If pupils are required to cross the roadway, the driver  
15 of a school bus equipped with only the alternately flashing  
16 OVERHEAD red lights in accordance with section 17 shall activate  
17 the ALTERNATELY flashing OVERHEAD red lights not less than 200  
18 feet before the stop, ~~and park~~ STOP the school bus as far ~~off~~  
19 TO the right side of the roadway or private road as possible TO  
20 PROVIDE for the safety of the pupils being boarded or discharged,  
21 and continue to activate the alternately flashing OVERHEAD red  
22 lights while receiving or discharging pupils. Before resuming  
23 motion, the driver shall deactivate these lights and allow con-  
24 gested traffic to disperse where practicable. The deactivation  
25 of these lights is the signal for stopped traffic to proceed.

26       (b) If the pupils are required to cross the roadway, the  
27 driver of a school bus equipped with red and amber alternately

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1 flashing OVERHEAD lights in accordance with section 19 shall  
2 activate the alternately flashing OVERHEAD amber lights not less  
3 than 200 feet before the stop, ~~park~~ STOP the bus as far ~~off~~  
4 TO the right side of the roadway or private road as is possible  
5 TO PROVIDE for the safety of the pupils being boarded or dis-  
6 charged, deactivate the ~~amber~~ ALTERNATELY flashing OVERHEAD  
7 AMBER lights, and activate the alternately flashing OVERHEAD red  
8 lights while receiving or discharging pupils. Before resuming  
9 motion, the driver shall deactivate these lights and allow con-  
10 gested traffic to disperse where practicable. The deactivation  
11 of these lights is the signal for stopped traffic to proceed.

12 (c) If the pupils are not required to cross the roadway and  
13 where the road has adequate width for the school bus to be pulled  
14 to the far right of the roadway or private road allowing traffic  
15 to flow and to provide for the safety of pupils being boarded or  
16 discharged, the driver may activate the hazard warning lights not  
17 less than 200 feet before the stop and continue to display the  
18 lights until the process of receiving or discharging passengers  
19 has been completed if the ~~posted~~ LAWFUL speed limit is 35 miles  
20 per hour or less. Before resuming motion, the driver shall deac-  
21 tivate these lights. The driver of a school bus shall only use  
22 this procedure at stops where the school administrator or ~~board~~  
23 ~~approved contractor~~ PERSON OR ENTITY UNDER CONTRACT WITH A  
24 SCHOOL TO PROVIDE PUPIL TRANSPORTATION SERVICES has approved its  
25 use. If this hazard warning light option is not used, the driver  
26 shall use the appropriate procedure in subdivision (a) or (b) as  
27 if pupils were required to cross the roadway.

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1 (d) Except as provided in subdivision (c), if the pupils are  
2 not required to cross the roadway and where the bus may be pulled  
3 off the roadway or private road or where the road has adequate  
4 width for the school bus to be pulled off to the far right of the  
5 roadway or private road leaving the normal traffic flow unob-  
6 structed and to provide for the safety of pupils being boarded or  
7 discharged, the driver may activate the hazard warning lights not  
8 less than 200 feet before the stop and continue to display the  
9 lights until the process of receiving or discharging passengers  
10 has been completed. Before resuming motion, the driver shall  
11 deactivate these lights. The driver of a school bus shall only  
12 use this procedure at stops where the school administrator or  
13 ~~board approved contractor~~ ENTITY UNDER CONTRACT WITH A SCHOOL  
14 TO PROVIDE PUPIL TRANSPORTATION SERVICES has approved its use.  
15 If this hazard warning light option is not used, the driver shall  
16 use the appropriate procedure in subdivision (a) or (b) as if  
17 pupils were required to cross the roadway.

18 (e) The distance of not less than 200 feet required for  
19 light activation by this subsection shall be measured on the  
20 roadway or private road on which the stop is made for receiving  
21 or discharging pupils.

22 (3) ~~Passengers~~ PUPILS crossing the ~~road~~ ROADWAY upon  
23 being discharged from a school bus shall cross in front of the  
24 stopped school bus. If a school district authorizes its school  
25 bus drivers to signal pupils to cross in front of the stopped  
26 school bus, the signal shall be uniform throughout the school  
27 district.

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1 (4) The driver of a school bus shall not stop the bus for  
2 the purpose of receiving or discharging pupils in the following  
3 instances:

4 (a) Within 200 feet of a public highway or roadway intersec-  
5 tion unless the stop is approved by the school administrator or  
6 ~~board approved contractor~~ ENTITY UNDER CONTRACT WITH A SCHOOL  
7 TO PROVIDE PUPIL TRANSPORTATION SERVICES.

8 (b) Upon a limited access highway or freeway, or upon any  
9 other highway or roadway that has been divided into 2 roadways by  
10 leaving an intervening space, a physical barrier, or clearly  
11 divided sections so constructed as to impede vehicular traffic if  
12 the pupils are required to cross the highway or roadway.

13 (c) Upon a highway or roadway constructed or ~~designed~~  
14 MARKED to permit 3 or more separate lanes of vehicular traffic in  
15 either direction if the pupils are required to cross the highway  
16 or roadway.

17 (5) The driver of a school bus when using the alternately  
18 flashing OVERHEAD red ~~stopping~~ lights shall not stop the bus ON  
19 ANY HIGHWAY OR ROADWAY for the purpose of receiving or discharg-  
20 ing pupils ~~in~~ UNDER the following ~~instances~~ CONDITIONS:

21 (a) ~~Unless~~ IF THE LAWFUL SPEED LIMIT IS MORE THAN 35 MILES  
22 PER HOUR AND the STOPPED bus is NOT clearly and continuously vis-  
23 ible ~~in its stopped position~~ to approaching vehicles on that  
24 highway or roadway for ~~not less than~~ AT LEAST 400 feet. WHEN  
25 THE DISTANCE FROM THE STOPPED BUS TO THE END OF THE HIGHWAY OR  
26 ROADWAY IS LESS THAN 400 FEET, CLEAR AND CONTINUOUS VISIBILITY

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1 MUST BE AVAILABLE FROM THE BUS TO THE END OF THE HIGHWAY OR  
2 ROADWAY.

3 (B) IF THE LAWFUL SPEED LIMIT IS 35 MILES PER HOUR OR LESS  
4 AND THE STOPPED BUS IS NOT CLEARLY AND CONTINUOUSLY VISIBLE TO  
5 APPROACHING VEHICLES ON THAT HIGHWAY OR ROADWAY, FOR AT LEAST 200  
6 FEET. WHEN THE DISTANCE FROM THE STOPPED BUS TO THE END OF THE  
7 HIGHWAY OR ROADWAY IS LESS THAN 200 FEET, CLEAR AND CONTINUOUS  
8 VISIBILITY MUST BE AVAILABLE FROM THE BUS TO THE END OF THE HIGH-  
9 WAY OR ROADWAY.

10 (C) ~~(b)~~ Within 50 feet of an intersection if the intersec-  
11 tion is controlled by a traffic stop and go signal.

12 (6) A school may provide instruction on proper school bus  
13 etiquette which may include, but not be limited to, boarding and  
14 leaving the bus, evacuation of the bus in an emergency, and road  
15 crossing procedures and the correct hand signal in the district,  
16 if any. If a school uses school bus drivers for this instruc-  
17 tion, the state board may reimburse the school for this  
18 training.

19 (7) For the purpose of this section, "required to cross the  
20 highway or roadway" does not include crossing the ~~road~~ HIGHWAY  
21 OR ROADWAY with the assistance of a traffic control signal, or  
22 with the assistance of a SCHOOL crossing guard as defined in  
23 section 57b of the Michigan vehicle code, ~~Act No. 300 of the~~  
24 ~~Public Acts of 1949, being section 257.57b of the Michigan~~  
25 ~~Compiled Laws~~ 1949 PA 300, MCL 257.57B, and applies only to the  
26 ~~road~~ HIGHWAY OR ROADWAY on which the stop is being made.