

SENATE BILL No. 661

November 28, 2017, Introduced by Senator CASPERSON and referred to the Committee on Transportation.

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending sections 11, 33, 49, 51, 55, and 65 (MCL 257.1811, 257.1833, 257.1849, 257.1851, 257.1855, and 257.1865), sections 11 and 33 as amended by 2006 PA 107, section 49 as amended by 2006 PA 108, section 51 as amended by 2010 PA 93, and section 55 as amended by 2006 PA 320.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 (2) A type I school bus shall have an outside body width of
5 not more than 102 inches; an outside overall length of not more

1 than 45 feet; and an inside height of not less than 72 inches,
2 aisle floor surface to ceiling. A type II school bus shall have an
3 outside body width of not more than 102 inches and an inside height
4 of not less than 60 inches, aisle floor surface to ceiling.

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

8 (4) A bus floor shall be of metal at least equal in strength
9 to 14-gauge steel and ~~so~~ constructed and maintained **SO** that exhaust
10 gases cannot enter the bus. The floor, including wheelhousing,
11 aisle, and stepwell, shall be covered and maintained with a slip-
12 resistant surface. Floors shall be coved to the walls. All closures
13 between the body and the engine compartment shall be fitted with
14 gaskets ~~which~~ **THAT** effectively prevent gas from entering the body.
15 The bus body floor, cross members, and skirts shall be completely
16 undercoated. A transmission inspection plate, if any, need not have
17 a slip-resistant surface but shall be firmly attached.

18 (5) Sedan-type doors shall not be used on type I school buses.
19 When a jackknife-type service door is used, it shall fold forward
20 toward the front of the bus. If a split-type service door is used,
21 it shall open outward. Sedan-type doors may be used on service
22 entrances of type II buses. The steps of a service door entrance
23 shall be covered with 3/16-inch molded ribbed rubber or other
24 nonslip surface.

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

26 (a) Type I school bus: the upper and lower portion of the
27 central rear emergency door shall be equipped with approved safety

1 glass. The door shall be hinged on the right side and the door
2 handle located on the extreme left. Piano hinges shall not be used.
3 The handle shall be in the vertical position when latched. A
4 locking device of any kind shall not be attached to, or made a part
5 of, the emergency door unless the locking device meets all of the
6 following criteria:

7 (i) The device is integrated into the ignition system.

8 (ii) The device is tamper resistant.

9 (iii) The device has an audible alarm system.

10 (iv) The device has an audible alarm near the driver's seat
11 that will sound when the door is locked and the ignition is on.

12 (b) Type II school bus: subdivision (a) applies to type II
13 buses except that double rear emergency doors may be used. A double
14 rear emergency door shall have a 3-point latch.

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

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

18 (9) The electrical system shall be 12 volt D.C. provided
19 through an alternator with a minimum of 100 amp rating and a
20 minimum battery storage capacity of 500 CCA with gasoline engine,
21 or 900 CCA with diesel engine provided through 1 12-volt battery, 2
22 12-volt batteries, or 2 6-volt batteries. There shall not be an
23 opening through the floor of the bus to service the battery.

24 (10) All baggage, articles, equipment, or medical supplies not
25 held by individual passengers shall be secured in a manner ~~which~~
26 **THAT** assures unrestricted access to all exits by all occupants,
27 does not restrict the driver's ability to operate the bus, and

1 protects all occupants against injury resulting from falling or
2 displacement of any baggage, article, or equipment. Oxygen
3 cylinders secured to a wheelchair shall be considered to be in
4 compliance with this subsection, ~~provided~~ **IF** they do not impede
5 access to any exit.

6 ~~—— (11) Radio speakers shall be no closer to the driver than 3~~
7 ~~seat positions behind the driver. This subsection does not apply to~~
8 ~~radio speakers for 2-way communication devices.~~

9 Sec. 33. (1) A school bus shall be painted as follows:

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

12 (b) The bumper, body trim, wheels, and lettering shall be
13 black. The wheel rims shall be gray, black, white, or natural, as
14 provided by the manufacturer.

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

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

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

19 (f) The name of the school district or contractor shall be
20 permanently affixed in black letters that are at least 6 inches
21 high on the sides of the bus. The name of the school district or
22 contractor shall be permanently affixed on the front and back of
23 the bus in black letters.

24 (g) The words "school bus" shall be permanently affixed on the
25 front and back of the bus between the overhead flashers in black
26 letters that are at least 8 inches in height.

27 (h) The outside of a school bus shall not have any other

1 lettering, symbol, marking, or advertising, except that animal
2 pictures, cartoon figures, and similar insignia may be affixed to
3 the bus in a temporary manner near the entrance door, but not
4 closer than the second window, to assist in identifying the bus
5 route. A unique identification number may be permanently affixed on
6 the upper corners of the back, front, or sides of the bus. A
7 contractor shall display a USDOT number when required and in the
8 manner required by 49 CFR parts 390 to 399.

9 (i) Wording for school bus roof and door emergency exits, for
10 inside and outside the bus, shall comply with the motor vehicle
11 safety standards found in 49 CFR 571.217.

12 (j) The roof of a school bus may be white or yellow. However,
13 no part of a school bus may be white below the drip rail above the
14 side windows.

15 (2) ~~Except for a bus leased seasonally to transport~~
16 ~~agricultural workers to and from a field for agricultural~~
17 ~~operations, a~~ A bus, other than a school bus, shall not be painted,
18 in whole or in part, in the colors and design specified in
19 subsection (1). **THIS SUBSECTION DOES NOT APPLY TO EITHER OF THE**
20 **FOLLOWING:**

21 (A) **A BUS LEASED SEASONALLY TO TRANSPORT AGRICULTURAL WORKERS**
22 **TO AND FROM A FIELD FOR AGRICULTURAL OPERATIONS.**

23 (B) **A BUS CERTIFIED BY THE STATE TRANSPORTATION DEPARTMENT**
24 **THAT IS OWNED AND OPERATED BY A PRIVATE CARRIER PRIMARILY UNDER**
25 **CONTRACT WITH A SCHOOL SYSTEM THAT IS ALSO USED FOR OCCASIONAL**
26 **CHARTER SERVICE TO THE PUBLIC OR FOR SCHOOL-RELATED EVENT**
27 **TRANSPORTATION.**

1 (3) Subsection (1) does not apply to multifunction school
2 activity buses.

3 ~~(4) This section does not apply to a motor carrier certified~~
4 ~~by the state transportation department using a motor bus for~~
5 ~~school related event transportation.~~

6 Sec. 49. (1) A person, whether or not licensed under the
7 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, who is 17
8 years of age or less shall not drive a school bus.

9 (2) A person shall not operate a school bus unless that person
10 possesses a valid chauffeur's license, the appropriate vehicle
11 group designation, a passenger vehicle indorsement, and a school
12 bus indorsement as required under section 312e of the Michigan
13 vehicle code, 1949 PA 300, MCL 257.312e. A person with a commercial
14 driver license shall not operate a school bus, and a school, school
15 bus owner, or lessee shall not allow a person with a commercial
16 driver license to operate a school bus, unless the operation is in
17 compliance with the drug and alcohol testing regulations under 49
18 CFR parts 40 and 382.

19 (3) A person shall not operate a school bus or a school
20 administrator or a person or entity under contract with a school to
21 provide pupil transportation services shall not knowingly permit a
22 person to operate a school bus for the transportation of pupils to
23 and from school or school-related events if that person has 7 or
24 more penalty points for moving violations on his or her driving
25 record under section 320a of the Michigan vehicle code, 1949 PA
26 300, MCL 257.320a, or if the person has a restricted license due to
27 a conviction for a violation of section 625 of the Michigan vehicle

1 code, 1949 PA 300, MCL 257.625.

2 (4) A commercial driver license skills test shall be
3 administered by a state authorized commercial driver license
4 examiner to a school bus driver who has had 1 or more of the
5 following:

6 (a) Had his or her driver license or commercial driver license
7 suspended, canceled, or denied under section 303 or 319 of the
8 Michigan vehicle code, 1949 PA 300, MCL 257.303 and 257.319.

9 (b) Has been disqualified from operating a commercial motor
10 vehicle.

11 (c) Has been convicted of any of the disqualifying offenses in
12 49 CFR 383.51(b) while operating a commercial motor vehicle or any
13 offense in a noncommercial motor vehicle that would be a
14 disqualifying condition under 49 CFR 383.51(b) if committed in a
15 commercial motor vehicle.

16 (d) Has more than 1 conviction of any of the serious traffic
17 violations defined in ~~49 CFR 383.5,~~ **49 CFR 383.51(C)**, while
18 operating a commercial motor vehicle within the last 3 years.

19 (e) Has been convicted of any motor vehicle traffic violation
20 that resulted in an accident while operating a commercial motor
21 vehicle.

22 (f) Has been disqualified from operating a school bus under
23 ~~section 49(3).~~ **SUBSECTION (3)**.

24 (g) A driver who is required to take a test under this
25 subsection shall not operate a school bus until the driver has
26 passed the test. The commercial driver license skills test shall be
27 conducted by an examiner not employed or under contract with the

1 same agency or school of the driver being tested.

2 Sec. 51. (1) A driver of a school bus transporting passengers
3 shall have in his or her possession a certificate stating that he
4 or she has enrolled in the entry level school bus safety education
5 course or has successfully completed a course in school bus safety
6 education within the immediately preceding 2 years. The entry level
7 course shall be available to the school bus driver within 90 days
8 of enrollment. Except as otherwise provided in this subsection,
9 enrollment certificates shall expire 10 days after the end of the
10 entry level course in which the driver is enrolled. A second
11 enrollment certificate shall not be issued. If a person completes
12 the entry level school bus safety education course after June 30 of
13 any given year and before completing the subsequent 6-hour
14 continuing education course, the duration of the entry level
15 certificate may be extended to the completion of the next available
16 subsequent 6-hour continuing education course. The entry level
17 course and subsequent 6-hour continuing education course shall be
18 approved by the superintendent of public instruction and shall be
19 provided by an approved educational agency. The certificate of
20 successful completion of each course shall be prescribed by the
21 superintendent of public instruction and successfully completed by
22 an instructor of the course. Failure to successfully complete the
23 entry level course or to complete the 6-hour continuing education
24 course within 2 years after certification of successful completion
25 of a prior course shall be reported by the instructional agency to
26 the department of education and to the school which employs the
27 driver. A driver who fails to successfully complete the entry level

1 course within 90 days after enrollment or to meet the continuing
2 education requirements shall not be permitted to drive a school bus
3 transporting passengers.

4 (2) The person or persons in charge of school bus operations
5 at a school shall have, at a minimum, successfully completed ~~the~~
6 ~~beginning school bus driver-A~~ training program in his or her first
7 year serving as the person or persons in charge of the operation.
8 The person or persons in charge of school bus operations at a
9 school shall successfully complete 6 hours of supervisory
10 continuing education every 2 years after the successful completion
11 of ~~the beginning school bus driver-A~~ training program. The
12 ~~continuing education course or courses shall be approved by the~~
13 superintendent of public instruction **SHALL APPROVE ALL TRAINING**
14 **PROGRAMS REQUIRED OF A PERSON OR PERSONS IN CHARGE OF SCHOOL BUS**
15 **OPERATIONS AT A SCHOOL,** and **THOSE TRAINING PROGRAMS** shall be
16 provided by an approved educational agency.

17 (3) The cost of any course instruction and the base rate of
18 compensation of the driver shall be reimbursed by the state on an
19 equal basis for public and nonpublic schools as provided for by the
20 department of education. Attendance by a person at an entry level
21 course, a continuing education course, or an on-road driver skills
22 test as required by this section or section 52 shall be considered
23 compensable work time by the school and the person shall be paid at
24 not less than their base rate as determined by their individual
25 contract of employment or their contractual rate as negotiated
26 between the school and the person's collective bargaining
27 representative.

1 (4) The legislature shall appropriate the funds necessary to
2 implement 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 on
5 a highway or private road for the purpose of receiving or
6 discharging 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 public
11 highways or private roadways open to the public shall receive or
12 discharge pupils from the bus in the following manner:

13 (a) If pupils are required to cross the roadway, the driver of
14 a school bus equipped with only the alternately flashing overhead
15 red lights in accordance with section 17 shall activate the
16 alternately flashing overhead red lights not less than 200 feet
17 before the stop, stop the school bus on the roadway or private road
18 to provide for the safety of the pupils being boarded or
19 discharged, and continue to activate the alternately flashing
20 overhead red lights while receiving or discharging pupils. The bus
21 shall stop in the extreme right-hand lane when boarding or
22 discharging pupils. Before resuming motion, the driver shall
23 deactivate these lights and allow congested traffic to disperse
24 where practicable. The deactivation of these lights is the signal
25 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

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, stop the bus on the roadway or
4 private road to provide for the safety of the pupils being boarded
5 or discharged, deactivate the alternately flashing overhead amber
6 lights, and activate the alternately flashing overhead red lights
7 while receiving or discharging pupils. The bus shall stop in the
8 extreme right-hand lane for the purpose of boarding or discharging
9 pupils. Before resuming motion, the driver shall deactivate these
10 lights and allow congested traffic to disperse where practicable.
11 The deactivation of these lights is the signal for stopped traffic
12 to proceed.

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

25 (d) If the pupils are not required to cross the roadway, the
26 driver of a school bus equipped with red and amber alternately
27 flashing overhead lights in accordance with section 19 shall

1 activate the alternately flashing overhead amber lights not less
2 than 200 feet before the stop, stop the bus as far off the roadway
3 or private road as practicable to provide for the safety of the
4 pupils being boarded or discharged, deactivate the alternately
5 flashing overhead amber lights, and activate the alternately
6 flashing overhead red lights while receiving or discharging pupils.
7 Before resuming motion, the driver shall deactivate these lights
8 and allow congested traffic to disperse where practicable. The
9 deactivation of these lights is the signal for stopped traffic to
10 proceed.

11 (e) If the pupils are not required to cross the roadway and
12 where the road has adequate width for the school bus to be pulled
13 to the far right of or off the roadway or private road allowing
14 traffic to flow and to provide for the safety of pupils being
15 boarded or discharged, the driver shall activate the hazard warning
16 lights before the stop and continue to display the lights until the
17 process of receiving or discharging passengers has been completed
18 if the lawful speed limit is ~~45~~50 miles per hour or less. Before
19 resuming motion, the driver shall deactivate these lights. The
20 driver of a school bus shall only use this procedure at stops where
21 the school administrator or person or entity under contract with a
22 school to provide pupil transportation services has approved its
23 use. If this hazard warning light option is not used, the driver
24 shall use the appropriate procedure in subdivision (a), (b), (c),
25 or (d) as if pupils were not required to cross the roadway.

26 (f) Except as provided in subdivision (e), if the pupils are
27 not required to cross the roadway and where the school bus may be

1 pulled off the roadway or private road or where the road has
2 adequate width for the school bus to be pulled off to the far right
3 of the roadway or private road leaving the normal traffic flow
4 unobstructed and to provide for the safety of pupils being boarded
5 or discharged, the driver shall activate the hazard warning lights
6 before the stop and continue to display the lights until the
7 process of receiving or discharging passengers has been completed.
8 Before resuming motion, the driver shall deactivate these lights.
9 The driver of a school bus shall only use this procedure at stops
10 where the school administrator or entity under contract with a
11 school to provide pupil transportation services has approved its
12 use. If this hazard warning light option is not used, the driver
13 shall use the appropriate procedure in subdivision (a), (b), (c),
14 or (d) as if pupils were not required to cross the roadway.

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

19 (3) Pupils crossing the roadway upon being discharged from a
20 school bus shall cross in front of the stopped school bus. If a
21 school district authorizes its school bus drivers to signal pupils
22 to cross in front of the stopped school bus, the signal shall be
23 uniform throughout the school district.

24 (4) The driver of a school bus shall not stop the bus for the
25 purpose of receiving or discharging pupils in the following
26 instances:

27 (a) Within 200 feet of a public or private roadway

1 intersection unless the stop is approved by the school
2 administrator or entity under contract with a school to provide
3 pupil transportation services.

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

9 (c) Upon a roadway constructed or marked to permit 3 or more
10 separate lanes of vehicular traffic in either direction if the
11 pupils are required to cross the roadway.

12 (5) The driver of a school bus when using the alternately
13 flashing overhead red lights shall not stop the bus on any highway
14 or roadway for the purpose of receiving or discharging pupils under
15 the following conditions:

16 (a) If the lawful speed limit is more than 35 miles per hour
17 and the stopped bus is not clearly and continuously visible to
18 approaching vehicles on that highway or roadway for at least 400
19 feet. When the distance from the stopped bus to the end of the
20 highway or roadway is less than 400 feet, clear and continuous
21 visibility must be available from the bus to the end of the highway
22 or roadway.

23 (b) If the lawful speed limit is 35 miles per hour or less and
24 the stopped bus is not clearly and continuously visible to
25 approaching vehicles on that highway or roadway, for at least 200
26 feet. When the distance from the stopped bus to the end of the
27 highway or roadway is less than 200 feet, clear and continuous

1 visibility must be available from the bus to the end of the highway
2 or roadway.

3 (c) Within 50 feet of an intersection if the intersection is
4 controlled by a traffic control signal.

5 (6) A school may provide instruction on proper school bus
6 etiquette which may include, but not be limited to, boarding and
7 leaving the bus, evacuation of the bus in an emergency, and road
8 crossing procedures and the correct hand signal in the district, if
9 any. If a school uses school bus drivers for this instruction, the
10 state board may reimburse the school for this training.

11 (7) For the purpose of this section, "required to cross the
12 roadway" does not include crossing the roadway with the assistance
13 of a traffic control signal, or with the assistance of a school
14 crossing guard as defined in section 57b of the Michigan vehicle
15 code, 1949 PA 300, MCL 257.57b, and applies only to the roadway on
16 which the stop is being made.

17 (8) For purposes of this section, a school bus is clearly and
18 continuously visible if both of the following standards are
19 satisfied:

20 (a) Approaching traffic is able to see the front of a school
21 bus extending from the roofline to and including the headlamps at
22 the distances specified in subsection (5).

23 (b) Approaching traffic is able to see the back of a school
24 bus extending from the roofline to and including the tail lamps and
25 stop lamps at the distances specified in subsection (5).

26 Sec. 65. (1) Pursuant to an agreement made under subsection
27 (4), a school may permit the use of a school bus ~~which~~**THAT** is not

1 otherwise being used for school purposes by an organization or
2 group for purposes of transporting senior citizens or retired or
3 disabled persons, or by a nonprofit organization for purposes of
4 ~~transporting its members~~ **PROVIDING TRANSPORTATION TO ATTENDEES** to
5 or from an activity, event, or outing, if the school determines
6 that suitable or economically feasible public or private
7 transportation is not available for this purpose. Mileage,
8 insurance, and other costs may be paid by the group or organization
9 or may be waived by the school.

10 (2) A school may permit the use of a school bus for the
11 purposes of transporting persons other than pupils to school-
12 sponsored events. The school may collect a fee for transporting
13 persons other than pupils to or from school-sponsored events to
14 cover expenses for the trips involved. Insurance to indemnify the
15 school, its officers, or employees against liability for damages
16 arising out of the use of school buses shall be obtained before
17 persons other than pupils are transported and fees charged. The
18 pupils of the school shall be given first priority for any
19 transportation furnished by the school.

20 (3) A school shall not purchase additional school buses for
21 the sole purpose of implementing this section.

22 (4) A local unit of government, including a city, county,
23 village, or township, may enter into an agreement with a school
24 within its area for the use of school buses to transport senior
25 citizens or retired or disabled persons, or ~~members of~~ **ATTENDEES OF**
26 **AN ACTIVITY, EVENT, OR OUTING SPONSORED BY** a nonprofit
27 organization, subject to ~~the same terms and conditions provided in~~

1 ~~subsection~~ **SUBSECTIONS** (1) and ~~subject to the terms and conditions~~
2 ~~in subsection~~ (5).

3 (5) A school may contract with a federal, state, or local unit
4 of government or an authorized government subcontractor for the use
5 of a school bus to transport persons, if all of the following
6 conditions exist:

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

8 (b) The persons are to be transported to or from an activity
9 ~~which~~ **THAT** is sponsored or operated by the unit of government.

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

13 (d) A subcontractor of a unit of government has obtained
14 written evidence of a contract with the governmental agency ~~which~~
15 **THAT** shows that the subcontractor is authorized to expend funds for
16 the transportation for which the use of a school bus is requested.

17 (e) ~~It is determined that other~~ **OTHER** suitable or economical
18 transportation is not available.

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

21 (7) As used in this section, "nonprofit organization" means
22 ~~any~~ 1 of the following:

23 (a) A corporation organized under the nonprofit corporation
24 act, ~~Act No. 162 of the Public Acts of 1982, being sections~~
25 ~~450.2101 to 450.3192 of the Michigan Compiled Laws.1982 PA 162, MCL~~
26 ~~450.2101 TO 450.3192.~~

27 (b) A corporation to which the nonprofit corporation act

1 applies as provided in sections 121 and 123 of ~~Act No. 162 of the~~
2 ~~Public Acts of 1982, being sections 450.2121 and 450.2123 of the~~
3 ~~Michigan Compiled Laws.~~ **THE NONPROFIT CORPORATION ACT, 1982 PA 162,**
4 **MCL 450.2121 AND 450.2123.**

5 (c) A group, society, organization, or association organized
6 to carry out any lawful purpose not involving pecuniary profit or
7 gain for its officers, trustees, or members.

8 (8) Nothing in this section shall be construed to eliminate,
9 modify or restrict any of the rights or collective bargaining
10 agreements school employees have under ~~Act No. 336 of the Public~~
11 ~~Acts of 1947, being sections 423.201 to 423.216 of the Michigan~~
12 ~~Compiled Laws.~~ **1947 PA 336, MCL 423.201 TO 423.217.**

13 Enacting section 1. This amendatory act takes effect 90 days
14 after the date it is enacted into law.