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BILL  ANALYSIS

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Senate Bill 479 (as reported without amendment)  
Sponsor: Senator Raymond E. Basham  
Committee: Education

Date Completed: 11-19-03

### **RATIONALE**

Currently, an owner of a manufactured (or mobile) home park may refuse to allow a school bus to enter his or her park. Reportedly, some owners believe that school buses are too wide to navigate safely the parks' narrow roads, or they have found that the school district is unwilling to assume liability for accidents caused by the bus on private property. In rare cases, then, multiple buses must line up outside a park's entrance to pick up more than 100 children. This has proven problematic for the many children who must walk through the dark and the cold to reach the entrance of the park; for disabled parents who cannot walk their child to the bus stop; and for disabled children. It has been suggested that schools buses be permitted to enter a manufactured home park to make multiple stops, if a school deems those stops necessary.

### **CONTENT**

The bill would amend the Pupil Transportation Act to permit a school to determine the number and location of stops necessary for the receipt and discharge of pupils from school buses in a manufactured home park. The school first would have to consult with the parents of the pupils who would be affected, as well as the owners of the park.

MCL 257.1809

### **BACKGROUND**

The Pupil Transportation Act does not specifically prohibit school buses from entering private property, but grants the authority to regulate pupil transportation to the State Board of Education. (The Superintendent of Public Instruction actually is the regulator of

pupil transportation as a result of Executive Order 1996-11, which transferred all of the powers and duties of the Board of Education as administrative head of the Department of Education to the Superintendent.) The Motor Vehicle Code, however, does permit the owner of private property to prohibit public vehicles on his or her property. Section 607 of the Code (MCL 257.607) states: "Nothing in this act shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use nor from requiring other or different or additional conditions than those specified in this act or otherwise regulating such use as may seem best to such owner."

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

The bill would establish a fair process to resolve the problem of school bus stops' not being inside manufactured home parks. Although the bill would give school districts ultimate control to determine the number and location of stops necessary inside a manufactured home park, a district first would have to consult with parents and the owner of the park. The presence of bus stops inside a park would make it safer for children who must walk from their home to a school bus.

#### **Opposing Argument**

The bill is too vague in its requirement that a school district first consult with parents before determining the number and location of stops inside a park. It is not clear how many

parents would have to be consulted, or what would constitute "consulting"--holding a live meeting, participating in a few telephone conversations, or posting a questionnaire on the school's website or inside the school office. Schools need to know when their obligations under the bill would be fulfilled.

Legislative Analyst: Claire Layman

### **FISCAL IMPACT**

The bill would have no fiscal impact on the State.

A local school district could experience minimal increases in costs related to this legislation if the district chose to add additional stops within a manufactured home park, which the park owners presently may disallow on their property. Such increased costs would consist of the additional gasoline and other mileage-related factors needed to complete the new bus stops.

Fiscal Analyst: Kathryn Summers-Coty

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