

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5494

A bill to amend 1990 PA 187, entitled
"The pupil transportation act,"
by amending the title and sections 5, 7, 9, 10, 10a, 11, 21, 23,
25, 27, 29, 31, 33, and 39 (MCL 257.1805, 257.1807, 257.1809,
257.1810, 257.1810a, 257.1811, 257.1821, 257.1823, 257.1825,
257.1827, 257.1829, 257.1831, 257.1833, and 257.1839), sections
5, 7, 10, and 10a as amended by 2000 PA 49, section 23 as amended
by 1990 PA 322, and section 33 as amended by 2001 PA 130; and to
repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to regulate the equipment, maintenance, operation,

3

and use of school buses; ~~and pupil transportation vehicles;~~ to

1 prescribe the qualifications of school bus ~~and pupil~~
 2 ~~transportation vehicle~~ drivers; to prescribe the powers and
 3 duties of certain state and local governmental agencies; to
 4 create an advisory committee and to prescribe its powers and
 5 duties; and to prescribe remedies and penalties.

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

9 (1) ~~(2)~~ "Motor bus" and "motor carrier of passengers" mean
 10 those terms as defined in section 3 of the motor bus
 11 transportation act, 1982 PA 432, MCL 474.103.

12 (2) ~~(3)~~ "Nonpublic school" means ~~a private school, a~~
 13 ~~denominational school, or a parochial school as defined by law~~
 14 **THAT TERM AS DEFINED IN SECTION 5 OF THE REVISED SCHOOL CODE,**
 15 **1976 PA 451, MCL 380.5.**

16 (3) ~~(4)~~ "Public school" means ~~a local school district, a~~
 17 ~~local act school district, a public school academy, a university~~
 18 ~~school, or an intermediate school district as defined by law~~
 19 **THAT TERM AS DEFINED IN SECTION 5 OF THE REVISED SCHOOL CODE,**
 20 **1976 PA 451, MCL 380.5.**

21 ~~(5) "Pupil transportation vehicle" means any vehicle other~~
 22 ~~than a school bus with a manufacturer's rated seating capacity of~~
 23 ~~11 or more passengers, including the driver, that is used to~~
 24 ~~transport pupils to or from school or school-related events.~~
 25 ~~Pupil transportation vehicle does not include a vehicle operated~~
 26 ~~by a motor carrier of passengers or a public transit agency, or a~~
 27 ~~vehicle used by a parent or a parent's designee to transport his~~

1 ~~or her children to or from school or school related events.~~

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

8 ~~—— (a) Engine overhaul of short block.~~

9 ~~—— (b) New tires on the front axle.~~

10 ~~—— (c) New recap tires on the rear axle.~~

11 ~~—— (d) New brake linings and drums.~~

12 ~~—— (e) New hydraulic brake lines.~~

13 ~~—— (f) New front and rear springs.~~

14 ~~—— (g) New paint in the interior.~~

15 ~~—— (h) New exhaust system.~~

16 (4) ~~—(7)—~~ "Rule" means a rule promulgated pursuant to the
 17 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
 18 24.328.

19 (5) ~~—(8)—~~ "School" means either a public school or a
 20 nonpublic school, or both.

21 Sec. 7. (1) "School bus" means a motor vehicle ~~—, other than~~
 22 ~~a pupil transportation vehicle,~~ with a manufacturer's rated
 23 seating capacity of 11 or more passengers, including the driver,
 24 used for the transportation of **PREPRIMARY, PRIMARY, OR SECONDARY**
 25 **SCHOOL** pupils to or from school or school-related events ~~that is~~
 26 ~~owned by a school or is used to transport pupils under a contract~~
 27 ~~or agreement with a school~~ **OR A MULTIFUNCTION SCHOOL ACTIVITY**

1 **BUS MANUFACTURED AFTER SEPTEMBER 2, 2003 AS DEFINED IN 49 CFR**
 2 **571.3, 49 CFR 571.108, AND 49 CFR 571.131.** School bus does not
 3 include a vehicle operated by a public transit agency or
 4 authority. ~~or by a motor carrier certified by the state~~
 5 ~~transportation department unless the vehicle is used exclusively~~
 6 ~~to transport pupils or is used to transport pupils along a route~~
 7 ~~designed to serve 1 or more schools in a school district if~~
 8 ~~elementary school pupils along the route are required to cross~~
 9 ~~the highway or roadway, as described in section 55.~~ **A VEHICLE**
 10 **THAT IS NOT A SCHOOL BUS IS NOT SUBJECT TO THIS ACT.** For the
 11 purposes of this act, a parent, ~~parent's designee,~~ or **LEGAL**
 12 guardian transporting his or her child or another child with
 13 written permission of the other child's parent or **LEGAL** guardian
 14 on a school-related event ~~, if not compensated by the school,~~
 15 ~~shall not be considered an agent of the school~~ **IS NOT SUBJECT TO**
 16 **THIS ACT.**

17 ~~————(2) "School transportation vehicle" means any motor vehicle~~
 18 ~~with a manufacturer's rated seating capacity of 10 passengers or~~
 19 ~~less, including the driver, when operated for the scheduled~~
 20 ~~transportation of pupils to or from school or school-related~~
 21 ~~events. School transportation vehicle does not include a vehicle~~
 22 ~~used by a parent or parent's designee to transport children to or~~
 23 ~~from school or school-related events.~~

24 (2) ~~—(3)—~~ "Type I school bus" means a school bus with a
 25 gross vehicle weight rating of more than 10,000 pounds.

26 (3) ~~—(4)—~~ "Type II school bus" means a school bus with a
 27 gross vehicle rating of 10,000 pounds or less.

1 ~~———— (5) "Type I premium school bus" means a school bus with a~~
2 ~~passenger capacity of over 66 pupils and any other school bus~~
3 ~~purchased by a district at a cost for the vehicle, excluding~~
4 ~~interest and special equipment, which exceeds by more than 15%~~
5 ~~the average cost of a school bus meeting state minimum~~
6 ~~specifications of the same capacity purchased during the same~~
7 ~~year.~~

8 Sec. 9. The state board of education shall regulate pupil
9 transportation. The state board or its authorized representative
10 may review, confirm, set aside, or amend the action, order, or
11 decision of a school with reference to the routes over which
12 pupils shall be transported, and the suitability and number of
13 the vehicles and equipment for the transportation of the pupils.
14 The ~~state board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION** shall
15 promulgate rules as necessary to implement this act except that
16 the department of state police, in cooperation with the ~~state~~
17 ~~board~~ **SUPERINTENDENT OF PUBLIC INSTRUCTION**, ~~shall~~ **MAY**
18 promulgate rules ~~for safety specifications and operational~~
19 ~~procedures for school buses and pupil transportation vehicles~~
20 **RELATED TO VEHICLE AND EQUIPMENT STANDARDS.**

21 Sec. 10. (1) Each ~~motor vehicle~~ **SCHOOL BUS** owned or
22 operated by a public or private nonpublic school, an agent of a
23 school, a private business, or a unit of government for the
24 transportation of pupils to or from school or school-related
25 events shall meet or exceed the federal motor vehicle safety
26 standards applicable to the construction and sale of that
27 ~~vehicle~~ **SCHOOL BUS** and for all seating positions in that

1 vehicle. A school or an agent of a school may transport pupils
2 with disabilities in mobile seating devices in accordance with
3 federal standards specifically applicable to such pupils, their
4 wheelchairs, and related wheelchair securement and occupant
5 protection systems.

6 (2) A vehicle, other than a school bus, with a
7 manufacturer's rated seating capacity of 11 or more passengers,
8 including the driver, shall not be used to transport pupils to or
9 from school or school-related events. ~~after October 1, 2002,~~
10 ~~except as provided in this act.~~ **THIS SUBSECTION DOES NOT APPLY**
11 **TO MOTOR BUSES THAT ARE DESCRIBED IN SECTION 10A.**

12 ~~—— (3) A school shall not purchase a vehicle to transport~~
13 ~~pupils to or from school or school related events having a~~
14 ~~manufacturer's rated seating capacity of 11 or more passengers,~~
15 ~~including the driver, that does not meet or exceed the passenger~~
16 ~~protection federal motor vehicle safety standards applicable to~~
17 ~~that vehicle. A school shall not purchase a vehicle to be used to~~
18 ~~transport passengers to or from school or school related events~~
19 ~~for which there are no applicable passenger protection federal~~
20 ~~motor vehicle safety standards. This subsection applies to~~
21 ~~vehicles, other than school buses, purchased on or after October~~
22 ~~1, 1993.~~

23 ~~—— (4) Vehicles used by parents or a parent's designee to~~
24 ~~transport their children to and from school and school related~~
25 ~~events under contract with the school are exempt from the~~
26 ~~requirements of this section.~~

27 ~~—— (5) Subsection (2) does not apply to a commercial motor~~

1 ~~vehicle operated by a carrier certificated by the state~~
2 ~~transportation department, or a bus operated by a public transit~~
3 ~~agency or authority excluded from the definition of school bus as~~
4 ~~described in section 7(1).~~

5 Sec. 10a. (1) A school may contract with a licensed motor
6 carrier of passengers for a motor bus to be used for occasional
7 transportation of pupils to or from school-related events. **A**
8 **SCHOOL SHALL NOT DIRECTLY OPERATE A MOTOR BUS FOR THE USE OF**
9 **PUPIL TRANSPORTATION TO AND FROM SCHOOL OR SCHOOL-RELATED EVENTS.**
10 **A MOTOR CARRIER CERTIFIED BY THE STATE TRANSPORTATION DEPARTMENT**
11 **SHALL NOT USE A MOTOR BUS TO TRANSPORT PUPILS TO AND FROM SCHOOL.**

12 (2) ~~The~~ **BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT**
13 **THAT AMENDED THIS SECTION, THE** department of education may
14 authorize the use of a motor bus for the regular route
15 transportation of pupils to or from school or home. The
16 authorization shall be in writing and shall include conditions or
17 restrictions that are necessary to safeguard the health, safety,
18 and welfare of the pupils. **ANY AUTHORIZATION THAT IS ENTERED INTO**
19 **BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT AMENDED THIS**
20 **SUBSECTION SHALL REMAIN IN EFFECT FOR THE TIME IT IS AUTHORIZED.**

21 (3) **A MOTOR BUS BUILT TO SCHOOL BUS SPECIFICATIONS THAT**
22 **COMPLIES WITH THE APPLICABLE FEDERAL MOTOR VEHICLE SAFETY**
23 **STANDARDS SHALL COMPLY WITH THE REQUIREMENTS OF THIS ACT.**

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

27 (2) A type I school bus shall have an outside body width of

1 not more than ~~96~~ 102 inches; an outside overall length of not
2 more than ~~40~~ 45 feet; and an inside height of not less than 72
3 inches, aisle floor surface to ceiling. A type II school bus
4 shall have an outside body width of not more than ~~96~~ 102 inches
5 ~~+~~ and an inside height of not less than 60 inches, aisle floor
6 surface to ceiling.

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

10 (4) A bus floor shall be of metal at least equal in strength
11 to 14-gauge steel and so constructed and maintained that exhaust
12 gases cannot enter the bus. The floor, including wheelhousing,
13 **AISLE, AND STEPWELL**, shall be covered and maintained with ~~1/8~~
14 ~~inch smooth rubber or an equivalent as determined by the~~
15 ~~department of state police. The aisles shall be covered and~~
16 ~~maintained with 3/16 inch ribbed rubber or an equivalent as~~
17 ~~determined by the department of state police. The rib aisle shall~~
18 ~~continue to the stepwell. Metal longitudinal strips shall be~~
19 ~~applied to the aisle seams.~~ **A SLIP-RESISTANT SURFACE.** Floors
20 shall be covered to the walls. All closures between the body and
21 the engine compartment shall be fitted with gaskets which
22 effectively prevent gas from entering the body. The bus body
23 floor, cross members, and skirts shall be completely undercoated.
24 A transmission inspection plate, if any, need not ~~be rubber~~
25 ~~covered~~ **HAVE A SLIP-RESISTANT SURFACE** but shall be firmly
26 attached. ~~Plywood floors are optional.~~

27 (5) Sedan-type doors shall not be used on type I school

1 buses. When a jackknife-type service door is used, it shall fold
2 forward toward the front of the bus. If a split-type service door
3 is used, it shall open outward. Sedan-type doors may be used on
4 service entrances of type II buses. The steps of a service door
5 entrance shall be covered with 3/16-inch molded ribbed rubber or
6 other nonslip surface.

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

8 (a) Type I school bus: the upper and lower portion of the
9 central rear emergency door shall be equipped with approved
10 safety glass. The door shall be hinged on the right side and the
11 door handle located on the extreme left. Piano hinges shall not
12 be used. The handle shall be in the vertical position when
13 latched. A locking device of any kind shall not be attached to,
14 or made a part of, the emergency door unless the locking device
15 meets all of the following criteria:

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

17 (ii) The device is tamper resistant.

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

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

21 ~~———— (v) The device is approved by the department of state
22 police.~~

23 (b) Type II school bus: subdivision (a) applies to type II
24 buses except that ~~body gauge metal may be substituted for safety
25 glass in the lower portion of the rear emergency door, and~~
26 double rear emergency doors may be used. A double rear emergency
27 door 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
6 minimum battery storage capacity of 500 CCA with gasoline engine,
7 or 900 CCA with diesel engine provided through 1 12-volt battery,
8 2 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 (10) ALL BAGGAGE, ARTICLES, EQUIPMENT, OR MEDICAL SUPPLIES
11 NOT HELD BY INDIVIDUAL PASSENGERS SHALL BE SECURED IN A MANNER
12 WHICH ASSURES UNRESTRICTED ACCESS TO ALL EXITS BY ALL OCCUPANTS,
13 DOES NOT RESTRICT THE DRIVER'S ABILITY TO OPERATE THE BUS, AND
14 PROTECTS ALL OCCUPANTS AGAINST INJURY RESULTING FROM FALLING OR
15 DISPLACEMENT OF ANY BAGGAGE, ARTICLE, OR EQUIPMENT. OXYGEN
16 CYLINDERS SECURED TO A WHEELCHAIR SHALL BE CONSIDERED TO BE IN
17 COMPLIANCE WITH THIS SUBSECTION, PROVIDED THEY DO NOT IMPEDE
18 ACCESS TO ANY EXIT.

19 (11) RADIO SPEAKERS SHALL BE NO CLOSER TO THE DRIVER THAN 3
20 SEAT POSITIONS BEHIND THE DRIVER. THIS SUBSECTION DOES NOT APPLY
21 TO RADIO SPEAKERS FOR 2-WAY COMMUNICATION DEVICES.

22 Sec. 21. ~~(1) A school bus shall be equipped with 2~~
23 ~~windshield wipers and 2 windshield washers. A washer reservoir~~
24 ~~shall be 70 ounces or more.~~

25 ~~———— (2) A windshield shall be slanted to prevent glare and large~~
26 ~~enough to permit the driver to see the road clearly.~~

27 ~~———— (3) All glass shall be safety glass and shall comply with~~

1 ~~the requirements of section 27, where applicable.~~ **A SCHOOL BUS**
2 **SHALL BE EQUIPPED WITH WINDSHIELD WIPERS, WASHERS, A WASHER**
3 **RESERVOIR, AND A WINDSHIELD THAT MEETS THE REQUIREMENTS OF 49 CFR**
4 **571.103 AND 571.104.**

5 Sec. 23. (1) A school bus ~~or pupil transportation vehicle~~
6 shall be equipped in a manner that the driver, in a normal seated
7 position, either by direct vision or by use of an indirect vision
8 mirror system, shall be able to observe objects on the roadway in
9 front of and beside the vehicle located inside a continuously
10 visible rectangular area. ~~having a length defined as the length~~
11 ~~of the vehicle plus not less than 18 feet in front of the vehicle~~
12 ~~and a width defined as the width of the vehicle plus not less~~
13 ~~than 2 feet on either side of the vehicle. A mirror used to~~
14 ~~comply with this subsection shall be at least 7 1/2 inches in~~
15 ~~diameter and convex in shape.~~ **THE SCHOOL BUS SHALL COMPLY WITH**
16 **THE VISIBILITY AND EQUIPMENT REQUIREMENTS OF 49 CFR 571.111.**

17 (2) The interior mirror shall be clear view, safety glass
18 with a reflective surface ~~of 6 inches in height by 30 inches in~~
19 ~~width for type I school buses, and shall be metal backed and~~
20 ~~framed.~~ **THAT PROVIDES A CLEAR AND REASONABLY UNOBSTRUCTED VIEW TO**
21 **THE REAR OF THE VEHICLE AND COMPLIES WITH 49 CFR 571.111.** It
22 shall have rounded corners and padded edges. ~~Interior mirrors~~
23 ~~for type II school buses shall have a reflective surface of 6~~
24 ~~inches in height by 15 inches in width and shall be protected by~~
25 ~~framing and padding as for type I school buses. The interior~~
26 ~~mirror for a pupil transportation vehicle shall be as provided by~~
27 ~~the manufacturer and approved by the department of state police.~~

1 (3) Sun shades, if installed, shall be mounted so that the
2 mounting brackets are not likely to cause injury in the event of
3 an accident.

4 ~~—— (4) This section does not apply to a pupil transportation
5 vehicle other than a passenger van that is used as a pupil
6 transportation vehicle.~~

7 Sec. 25. (1) A school bus shall be equipped with at least 1,
8 2A-10BC dry chemical fire extinguisher, or its equivalent, ~~that~~
9 ~~is approved by the department of state police and~~ that has an
10 aluminum, brass, or bronze valve. The extinguisher shall be
11 mounted securely in an accessible place in the driver's
12 compartment and shall be in satisfactory operating condition at
13 all times.

14 (2) A school bus ~~or pupil transportation vehicle~~ shall be
15 equipped with a first aid kit which shall be firmly mounted with
16 a quick release bracket in an accessible location in the driver's
17 compartment and which shall contain, at a minimum, all of the
18 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.
- 27 (f) Elastic bandage, 3-inch 1 package.

1 ~~Antiseptics and burn ointments shall not be included, except~~
2 ~~as required by the state transportation department.~~

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

11 Sec. 27. (1) A school bus ~~or pupil transportation vehicle~~
12 shall be equipped with safety glass wherever glass is used in
13 doors, windows, and windshields. Rigid safety plastic which meets
14 the test requirements of American national standards institute
15 standard Z26.1-1966 may be used on school buses in lieu of safety
16 glass, except that front windshields shall be equipped with
17 safety glass. School buses shall be fitted with at least 1 push-
18 out window sash on each side of any school bus on which the
19 plastic panes are installed.

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

24 Sec. 29. Any part of a ~~gasoline~~ **FUEL** tank or container or
25 intake pipe shall not be located within or above the passenger-
26 carrying portion of a school bus unless securely sealed off from
27 that portion by means of a substantial metal cover. Fuel lines

1 shall not extend above the frame rails. The gasoline container,
 2 including intake pipe, cap and vent on a school bus manufactured
 3 subsequent to December 31, 1964, shall be so designed that, in
 4 the event of overturn, the ~~gasoline~~ **FUEL** will not be spilled at
 5 a rate in excess of 1 ounce per minute.

6 Sec. 31. A school bus may be equipped with a flashing,
 7 oscillating, or rotating light mounted on the roof of the bus
 8 approximately 6 feet from the rear of the vehicle which displays
 9 a white light to the front, side, and rear of the bus. ~~which~~ **IF**
 10 **A SCHOOL BUS IS EQUIPPED WITH SUCH A LIGHT, THERE IS NO**
 11 **REQUIREMENT THAT A DRIVER USE IT. THE** light ~~may~~ **SHALL NOT** be
 12 actuated by the driver ~~for use only in inclement~~ **UNLESS 1 OR**
 13 **MORE OF THE FOLLOWING CONDITIONS EXIST:**

14 (A) **INCLEMENT** weather such as fog, rain, or snow. ~~when~~
 15 ~~boarding or discharging~~

16 (B) **WHEN** passengers ~~from~~ **ARE BOARDING OR BEING**
 17 **DISCHARGED.**

18 (C) **FROM** 1/2 hour ~~before~~ **AFTER** sunset until 1/2 hour
 19 ~~after~~ **BEFORE** sunrise. ~~or where~~

20 (D) **WHERE** conditions hinder the visibility of the school
 21 bus.

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

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

25 (b) The bumper, body trim, wheels, and lettering shall be
 26 black. The wheel rims shall be gray, black, **WHITE**, or natural, as
 27 provided by the manufacturer.

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

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

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

5 (f) The name of the school district OR CONTRACTOR shall be
6 ~~painted~~ PERMANENTLY AFFIXED in black LETTERS THAT ARE AT LEAST 6
7 INCHES HIGH on the ~~back, front, and~~ sides of the bus. THE NAME
8 OF THE SCHOOL DISTRICT OR CONTRACTOR SHALL BE PERMANENTLY AFFIXED
9 ON THE FRONT AND BACK OF THE BUS IN BLACK LETTERS.

10 (G) THE WORDS "SCHOOL BUS" SHALL BE PERMANENTLY AFFIXED ON
11 THE FRONT AND BACK OF THE BUS BETWEEN THE OVERHEAD FLASHERS IN
12 BLACK LETTERS THAT ARE AT LEAST 8 INCHES IN HEIGHT.

13 (H) THE OUTSIDE OF A SCHOOL BUS SHALL NOT HAVE ANY OTHER
14 LETTERING, SYMBOL, MARKING, OR ADVERTISING, EXCEPT THAT ANIMAL
15 PICTURES, CARTOON FIGURES, AND SIMILAR INSIGNIA MAY BE AFFIXED TO
16 THE BUS IN A TEMPORARY MANNER NEAR THE ENTRANCE DOOR, BUT NOT
17 CLOSER THAN THE SECOND WINDOW, TO ASSIST IN IDENTIFYING THE BUS
18 ROUTE. A UNIQUE IDENTIFICATION NUMBER MAY BE PERMANENTLY AFFIXED
19 ON THE UPPER CORNERS OF THE BACK, FRONT, OR SIDES OF THE BUS. A
20 CONTRACTOR SHALL DISPLAY A USDOT NUMBER WHEN REQUIRED AND IN THE
21 MANNER REQUIRED BY 49 CFR PARTS 390 TO 399.

22 (I) WORDING FOR SCHOOL BUS ROOF AND DOOR EMERGENCY EXITS,
23 FOR INSIDE AND OUTSIDE THE BUS, SHALL COMPLY WITH THE MOTOR
24 VEHICLE SAFETY STANDARDS FOUND IN 49 CFR 571.217.

25 (J) THE ROOF OF A SCHOOL BUS MAY BE WHITE OR YELLOW.
26 HOWEVER, NO PART OF A SCHOOL BUS MAY BE WHITE BELOW THE DRIP RAIL
27 ABOVE THE SIDE WINDOWS.

1 (2) Except for a bus leased seasonally to transport
2 agricultural workers to and from a field for agricultural
3 operations, a bus, other than a school bus, shall not be painted,
4 in whole or in part, in the colors and design specified in
5 subsection (1).

6 (3) **SUBSECTION (1) DOES NOT APPLY TO MULTIFUNCTION SCHOOL**
7 **ACTIVITY BUSES.**

8 (4) **THIS SECTION DOES NOT APPLY TO A MOTOR CARRIER CERTIFIED**
9 **BY THE STATE TRANSPORTATION DEPARTMENT USING A MOTOR BUS FOR**
10 **SCHOOL-RELATED EVENT TRANSPORTATION.**

11 Sec. 39. (1) The department of state police shall inspect
12 each school bus ~~and pupil transportation vehicle~~ annually, and
13 ~~more frequently at a school~~ **AS THE DEPARTMENT OF STATE POLICE**
14 **DETERMINES NECESSARY** where school bus ~~or pupil transportation~~
15 ~~vehicle~~ defects have been found, to determine if the school bus
16 ~~or pupil transportation vehicle~~ meets the requirements of this
17 act and the rules promulgated pursuant to this act. The
18 department of state police may delegate the inspection of school
19 buses to publicly employed inspectors if the inspection complies
20 with this section.

21 (2) Inspection of a school bus ~~or pupil transportation~~
22 ~~vehicle~~ may be accomplished at any time, at any location, on or
23 off a school site, and as frequently as the department of state
24 police considers necessary to secure passenger safety. A school
25 bus ~~or pupil transportation vehicle~~ may be rejected by the
26 inspecting state police official for further use in
27 transportation of passengers if it does not meet the requirements

1 of this act and the rules promulgated pursuant to this act.
2 However, if a school bus ~~or pupil transportation vehicle~~ is
3 determined to be safe for operation even though in unsatisfactory
4 condition, the official may determine that not more than 60 days
5 shall be allowed to effect a specific repair.

6 (3) A person, ~~having control over the operation of a school~~
7 ~~bus or pupil transportation vehicle~~ **SCHOOL, OR SCHOOL BUS OWNER**
8 shall not operate or permit to be operated a school bus ~~or pupil~~
9 ~~transportation vehicle~~ which has not been inspected under this
10 section.

11 ~~—— (4) A modified school bus which uses liquefied petroleum gas~~
12 ~~shall not be used to transport pupils unless the installation of~~
13 ~~the fuel system has been inspected and approved as safe by the~~
14 ~~department of state police.~~

15 (4) ANY PUBLIC OR PRIVATE ENTITY THAT OWNS OR USES A SCHOOL
16 BUS FOR PUPIL TRANSPORTATION SHALL IDENTIFY ITSELF TO THE
17 DEPARTMENT OF STATE POLICE SO AN INSPECTION CAN BE SCHEDULED. IF
18 AN ENTITY HAS HAD SCHOOL BUSES INSPECTED IN THE PREVIOUS YEAR, IT
19 IS CONSIDERED TO HAVE IDENTIFIED ITSELF. IF AN ENTITY STOPS PUPIL
20 TRANSPORTATION IN 1 YEAR AND RESTARTS PUPIL TRANSPORTATION IN A
21 LATER YEAR, IT MUST IDENTIFY ITSELF TO THE DEPARTMENT OF STATE
22 POLICE AS REQUIRING INSPECTION BEFORE RESTARTING PUPIL
23 TRANSPORTATION. AN ENTITY IS CONSIDERED TO HAVE IDENTIFIED ITSELF
24 BY NOTIFYING A PERSON OF THE DEPARTMENT OF STATE POLICE
25 RESPONSIBLE FOR CONDUCTING INSPECTIONS UNDER THIS ACT.

26 (5) WHEN AN INSPECTION IS SCHEDULED BY THE DEPARTMENT OF
27 STATE POLICE, AN ENTITY SHALL IDENTIFY TO THE STATE POLICE

1 INSPECTOR ALL OF THE SCHOOL BUSES THAT IT INTENDS TO USE FOR
2 PUPIL TRANSPORTATION IN THAT SCHOOL YEAR. ANY SCHOOL BUS THAT IS
3 NOT SUBMITTED FOR INSPECTION SHALL BE REJECTED AND HAVE A RED
4 STICKER AFFIXED PURSUANT TO SECTION 41.

5 (6) THE DEPARTMENT OF STATE POLICE MAY PROHIBIT THE
6 PLACEMENT AND USE OF ANY DEVICE OR EQUIPMENT ON A SCHOOL BUS THAT
7 PRESENTS A SAFETY HAZARD TO THE PUPILS, DRIVER, OR MOTORISTS
8 DURING THE LOADING, UNLOADING, OR TRANSPORTATION OF PUPILS.

9 (7) A SCHOOL, BEFORE ESTABLISHING A CONTRACT WITH A COMPANY
10 FOR SCHOOL BUS SERVICES, SHALL REQUIRE THE COMPANY TO VERIFY IN
11 WRITING THAT THE BUSES USED BY THE CONTRACTOR HAVE BEEN INSPECTED
12 BY THE DEPARTMENT OF STATE POLICE AND HAVE PASSED THAT
13 INSPECTION. THE SCHOOL SHALL SPECIFY IN A WRITTEN CONTRACT THAT
14 THE CONTRACTOR WILL NOT USE ANY SCHOOL BUSES THAT HAVE NOT BEEN
15 INSPECTED OR HAVE FAILED INSPECTION, AND THAT A VIOLATION OF THIS
16 PROVISION OF THE CONTRACT WILL RESULT IN REVOCATION OF THE
17 CONTRACT. THE CONTRACT SHALL SPECIFY THAT THE CONTRACTOR SHALL
18 SUBMIT, IN WRITING, THE INSPECTION RESULTS OF ITS ENTIRE FLEET OF
19 BUSES TO THE SCHOOL WITHIN 30 DAYS OF THE COMPLETION OF THE
20 DEPARTMENT OF STATE POLICE INSPECTION. A SCHOOL SHALL IDENTIFY TO
21 THE DEPARTMENT OF STATE POLICE ALL OF THE CONTRACTORS THE SCHOOL
22 IS USING UPON REQUEST.

23 Enacting section 1. Sections 35, 37, 52, and 63 of the pupil
24 transportation act, 1990 PA 187, MCL 257.1835, 257.1837,
25 257.1852, and 257.1863, are repealed.

26 Enacting section 2. This amendatory act does not take effect
27 unless Senate Bill No. 932 of the 93rd Legislature is enacted

House Bill No. 5494 as amended March 2, 2006

1 into law.

<<Enacting section 3. This amendatory act takes effect August 15, 2006.>>