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SFA**BILL ANALYSIS**

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Senate Bill 1398 (as reported without amendment)
Sponsor: Senator Joanne G. Emmons
Committee: Education

Date Completed: 11-20-02

RATIONALE

The Pupil Transportation Act regulates the equipment, operation, and use of school buses and other pupil transportation vehicles. Public Act 49 of 2000 amended the Pupil Transportation Act to revise provisions concerning safety standards and bus stops, and to prohibit a vehicle, other than a school bus, with a seating capacity of at least 11 passengers, from being used to transport pupils to and from school after October 1, 2002. This has resulted in pupil transportation problems for at least one boarding school in Michigan. The Great Lakes Adventist Academy in Montcalm County houses and educates students from various parts of Michigan, 15 other states, and two foreign countries. The school owns and operates several motor buses (which seat at least 16 people) that it uses to transport students on various trips around Michigan and the United States. The 2000 amendments to the Pupil Transportation Act appear to have rendered the Academy's pupil transport practices illegal. Some people believe that the Act should allow a boarding school to own and use motor buses to transport students to and from school-related events and, for a limited number of times during the year, to transport students to and from school.

CONTENT

The bill would amend the Pupil Transportation Act to allow a boarding school to own and use motor buses for the transportation of pupils to or from school-related events. In addition, a boarding school could own and use motor buses for the transportation of pupils to and from school up to 10 times in a calendar year. The bill also specifies that the definition of "school bus" under the Act would not include a motor bus as used by a boarding school under these provisions.

Under the bill, "boarding school" would mean that term as defined in the Revised School Code, i.e., a place accepting five or more children under 16 years of age for board, care, and instruction.

Under the Act, "motor bus" means that term as defined in the Motor Bus Transportation Act. That Act defines "motor bus" as a self-propelled motor vehicle used in the transportation of passengers and their baggage for hire upon any public highway of this State with a maximum seating capacity of 16 people or more, including the driver.

MCL 257.1807 & 257.1810a

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

Among other things, the 2000 amendments to the Pupil Transportation Act limited the types of vehicles that schools may use to transport students. To enhance the safety of students by preventing the use of oversized vans, the Act now prohibits the use of a vehicle, other than a school bus, with a seating capacity of 11 or more to transport pupils to and from school. Although a school district may contract for the use of a motor bus to transport pupils occasionally to and from school-related events, and the Department of Education may authorize the use of a motor bus for the "regular route transportation of pupils", the Act does not allow schools to own or otherwise use such vehicles.

The Great Lakes Adventist Academy, in Montcalm County, owns and uses motor coach

buses to transport its students around the State and the country for various school-related functions. Also, about eight times a year, the school uses the buses to transport students to their home areas. The buses do not use roadside school bus stops, but typically rendezvous with parents in a public place, such as a shopping center parking lot, where the parents can meet the students to take them home. Due to the frequency of its use of the motor buses, the school has found that it is financially more feasible to own the buses and train school employees to drive them than to contract with a private transit agency for use of motor buses. In addition, because of its practice of transporting pupils long distance for lengthy periods of time, the school needs buses with generous space for stowing luggage and equipment. Standard school buses are not outfitted with that type of luggage storage area. The 2000 amendments to the Pupil Transportation Act, however, effectively outlawed the Academy's transport practices. The bill would allow the Great Lakes Adventist Academy to continue operating as it has in the past with regard to transporting students to and from school-related events and, occasionally, to and from their home areas. Other boarding schools, as well, could own and use motor buses as provided in the bill.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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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.