

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

Introduced by Senator Emmons

ENROLLED SENATE BILL No. 1398

AN ACT to amend 1990 PA 187, entitled “An act to regulate the equipment, maintenance, operation, and use of school buses and pupil transportation vehicles; to prescribe the qualifications of school bus and pupil transportation vehicle drivers; to prescribe the powers and duties of certain state and local governmental agencies; to create an advisory committee and to prescribe its powers and duties; and to prescribe remedies and penalties,” by amending sections 7 and 10a (MCL 257.1807 and 257.1810a), as amended by 2000 PA 49.

The People of the State of Michigan enact:

Sec. 7. (1) “School bus” means a motor vehicle, other than a pupil transportation vehicle, with a manufacturer’s rated seating capacity of 11 or more passengers, including the driver, used for the transportation of pupils to or from school or school-related events that is owned by a school or is used to transport pupils under a contract or agreement with a school. School bus does not include a vehicle operated by a public transit agency or authority or by a motor carrier certified by the state transportation department unless the vehicle is used exclusively to transport pupils or is used to transport pupils along a route designed to serve 1 or more schools in a school district if elementary school pupils along the route are required to cross the highway or roadway, as described in section 55. School bus does not include a motor bus used by a boarding school under section 10a. For the purposes of this act, a parent, parent’s designee, or guardian transporting his or her child or another child with written permission of the other child’s parent or guardian on a school-related event, if not compensated by the school, shall not be considered an agent of the school.

(2) “School transportation vehicle” means any motor vehicle with a manufacturer’s rated seating capacity of 10 passengers or less, including the driver, when operated for the scheduled transportation of pupils to or from school or school-related events. School transportation vehicle does not include a vehicle used by a parent or parent’s designee to transport children to or from school or school-related events.

(3) “Type I school bus” means a school bus with a gross vehicle weight rating of more than 10,000 pounds.

(4) “Type II school bus” means a school bus with a gross vehicle rating of 10,000 pounds or less.

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

Sec. 10a. (1) A school may contract with a motor carrier of passengers for a motor bus to be used for occasional transportation of pupils to or from school-related events.

(2) A boarding school may own and use motor buses for transportation of pupils to or from school-related events. In addition to being able to own and use motor buses for school-related events, a boarding school may own and use motor buses for transportation of pupils to and from school if the transportation of pupils to or from school takes place no more

than 10 times in a calendar year. For purposes of this section and section 7, "boarding school" means that term as defined in section 3 of the revised school code, 1976 PA 451, MCL 380.3.

(3) The department of education may authorize the use of a motor bus for the regular route transportation of pupils to or from school or home. The authorization shall be in writing and shall include conditions or restrictions that are necessary to safeguard the health, safety, and welfare of the pupils.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Ray E. Randall

Clerk of the House of Representatives.

Approved

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Governor.