THE PUPIL TRANSPORTATION ACT
Act 187 of 1990

AN ACT to regulate the equipment, maintenance, operation, and use of school buses; to prescribe the qualifications of school bus 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.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

The People of the State of Michigan enact:

257.1801 Short title.

Sec. 1. This act shall be known and may be cited as "the pupil transportation act".

History: 1990, Act 187, Eff. Aug. 15, 1990.

257.1803 Meanings of words and phrases.

Sec. 3. For the purposes of this act, the words and phrases defined in sections 5 to 7 shall have the meanings respectively ascribed to them in those sections.

History: 1990, Act 187, Eff. Aug. 15, 1990.

257.1805 Definitions; M to S.

Sec. 5.

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

(2) "Nonpublic school" means that term as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

(3) "Public school" means that term as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

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

(5) "School" means either a public school or a nonpublic school, or both.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

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257.1807 Definitions; S, T.

Sec. 7. (1) "School bus" means a motor vehicle with a manufacturer's rated seating capacity of 11 or more passengers, including the driver, used for the transportation of preprimary, primary, or secondary school pupils to or from school or school-related events or a multifunction school activity bus manufactured after September 2, 2003 as defined in 49 CFR 571.3, 49 CFR 571.108, and 49 CFR 571.131. School bus does not include a vehicle operated by a public transit agency or authority. A vehicle that is not a school bus is not subject to this act. For the purposes of this act, a parent, or legal guardian transporting his or her child or another child with written permission of the other child's parent or legal guardian on a school-related event is not subject to this act.

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

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

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1992, Act 227, Imd. Eff. Oct. 16, 1992;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1809 Pupil transportation; regulation; routes; vehicles and equipment; rules.

Sec. 9. The state board of education shall regulate pupil transportation. The state board or its authorized representative may review, confirm, set aside, or amend the action, order, or decision of a school with reference to the routes over which pupils shall be transported, and the suitability and number of the vehicles and equipment for the transportation of the pupils. The superintendent of public instruction shall promulgate rules as necessary to implement this act except that the department of state police, in cooperation with the superintendent of public instruction, may promulgate rules related to vehicle and equipment standards.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1810 Transportation of pupils; federal motor vehicle safety standards; restrictions.

Sec. 10. (1) Each school bus owned or operated by a public or private nonpublic school, an agent of a

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school, a private business, or a unit of government for the transportation of pupils to or from school or school-related events shall meet or exceed the federal motor vehicle safety standards applicable to the construction and sale of that school bus and for all seating positions in that vehicle. A school or an agent of a school may transport pupils with disabilities in mobile seating devices in accordance with federal standards specifically applicable to such pupils, their wheelchairs, and related wheelchair securement and occupant protection systems.

(2) A vehicle, other than a school bus, with a manufacturer's rated seating capacity of 11 or more passengers, including the driver, shall not be used to transport pupils to or from school or school-related events. This subsection does not apply to motor buses that are described in section 10a.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1996, Act 191, Imd. Eff. May 13, 1996;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1810a Contract with motor carrier; authorization.

Sec. 10a. (1) A school may contract with a licensed motor carrier of passengers for a motor bus to be used for occasional transportation of pupils to or from school-related events. A school shall not directly operate a motor bus for the use of pupil transportation to and from school or school-related events. A motor carrier certified by the state transportation department shall not use a motor bus to transport pupils to and from school.

(2) Before the effective date of the amendatory act that amended this section, 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. Any authorization that is entered into before the effective date of the amendatory act that amended this subsection shall remain in effect for the time it is authorized.

(3) A motor bus built to school bus specifications that complies with the applicable federal motor vehicle safety standards shall comply with the requirements of this act.

History: Add. 1990, Act 322, Imd. Eff. Dec. 20, 1990;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1811 Applicability of MCL 257.1811 to 257.1821; body width and height of type I and type II school buses; attachment of bus to chassis; use of spacers; bus floor; doors; steps; emergency exit; insulation; book racks prohibited; electrical system; secured items.

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

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

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

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

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

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

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

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

(*ii*) The device is tamper resistant.

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

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

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

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

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

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

(10) All baggage, articles, equipment, or medical supplies not held by individual passengers shall be secured in a manner that assures unrestricted access to all exits by all occupants, does not restrict the driver's ability to operate the bus, and protects all occupants against injury resulting from falling or displacement of any baggage, article, or equipment. Oxygen cylinders secured to a wheelchair shall be considered to be in compliance with this subsection if they do not impede access to any exit.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006;—Am. 2018, Act 422, Eff. Mar. 20, 2019.

257.1812 School bus; flashing advisory sign; placement of electronic sign; requirements; section to be known as "Privacky Law."

Sec. 12. (1) In addition to any other warning signals required by this act, a school bus may be equipped with a flashing advisory sign for the purpose of warning the operators of other vehicles of the presence of a traffic hazard requiring the use of unusual care in approaching, overtaking, or passing. A flashing advisory sign described in this subsection shall meet all of the following requirements:

(a) The sign shall be mounted on the rear of the school bus in an area that does not interfere with compliance with the requirements of section 19 or 33.

(b) The sign shall display warning messages to motorists in accordance with all of the following:

(*i*) The sign shall be sealed and weathertight, and shall be 23.5 by 8.75 by 1.5 inches in size.

(*ii*) The sign shall be connected to the school bus safety lights.

(*iii*) The sign shall alternately flash the word messages "caution" and "stopping" when the amber school bus safety lights are activated. The letters in the word messages described in this subparagraph shall be amber and shall be at least 1.5 inches tall. The word messages described in this subparagraph may be controlled by the hazard lights or school bus safety light flashers.

(*iv*) The sign shall flash the word message "stop" or "do not pass" when the red school bus safety lights are activated. The letters in the word messages described in this subparagraph shall be red and shall be at least 1.5 inches tall. The word messages described in this subparagraph may be controlled by the hazard lights or school bus safety light flashers.

(*v*) The sign shall flash the word message "caution" or "caution stopping" when the hazard lights are activated. The letters in the word messages described in this subparagraph shall be amber and shall be at least 1.5 inches tall. The word messages described in this subparagraph may be controlled by the hazard lights or school bus safety light flashers.

(*vi*) The sign shall flash the word message "caution" when the back-up lights are activated. The letters in the word message described in this subparagraph shall be amber and shall be at least 1.5 inches tall. The word messages described in this subparagraph may be controlled by the hazard lights or school bus safety light flashers.

(*vii*) The sign shall have a minimum viewing angle of 15 degrees on each side of the perpendicular axis.

(*viii*) The word messages described in subparagraphs (*iii*) to (*vi*) shall be clearly visible in direct sunlight from a distance of 500 feet along the axis of the school bus.

(*ix*) Regardless of the type of lighting used for illumination, each warning message displayed by the sign shall include a complete light quality arrangement to fully and clearly convey the intended warning message to approaching motorists.

(2) An electronic sign that displays warning messages to motorists may be placed on the front of a school bus if all of the following are satisfied:

(a) A flashing advisory sign has been mounted on the rear of the school bus as provided in subsection (1)(a).

(b) The sign is wired only to the amber and red school bus safety lights.

(c) The sign is mounted below the windshield, vertically centered, and does not create a vision obstruction for the driver of the school bus.

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(3) A sign described in subsections (1) and (2) shall comply with all of the following:

(a) The sign shall be uniform in design and in operation, and each sign placed on a school bus as provided in this section shall display the same advisory warnings.

(b) The sign shall automatically energize when the school bus's hazard lights are activated, shall comply with section 19(3), and shall automatically de-energize when the school bus service door is closed.

(c) The sign shall be properly maintained and operated as designed by the manufacturer.

(4) This section may be referred to as the "Privacky Law".

History: Add. 2017, Act 233, Imd. Eff. Dec. 21, 2017.

257.1813 Air brake system.

Sec. 13. (1) A school bus that is equipped with an air brake system shall be equipped with an emergency stopping system designed and constructed to permit modulated control of brake application and release and to prevent release by the driver unless energy is available for reapplication. The air brake system shall be provided with an electrically heated moisture ejector on each air reservoir or shall be provided with an after cooler type air dryer with an electrically heated purge valve. The use of moisture ejectors together with an air dryer is optional. Each air reservoir in the system shall be equipped with a manual petcock valve on the bottom of the tank. If the automatic moisture ejection valve is equipped with a manual drain control or built-in petcock, a separate manual petcock is not required. The air reservoir tanks shall be mounted on the chassis frame with not less than 15 inches of clearance between the ground and the lowest part of the tank or tank component.

(2) A school bus manufactured after July 15, 1982 that has a rated seating capacity of 60 or more passengers is not required to be equipped with an air brake system.

(3) A school bus manufactured before July 7, 1981 may use an air dryer system.

History: 1990, Act 187, Eff. Aug. 15, 1990.

257.1815 Exterior lamps and signals on bus.

Sec. 15. The location, number, and color of all exterior lamps and signals on a school bus shall be in conformance with current United States department of transportation, federal motor vehicle safety regulations found in 49 CFR part 571 and in section 698 of the Michigan vehicle code, 1949 PA 300, MCL 257.698.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2004, Act 231, Imd. Eff. July 21, 2004.

257.1817 Signal lights; stoplights; flasher lamps; applicability to school buses manufactured before October 1, 1990; conformance with federal regulations.

Sec. 17. (1) This section applies to school buses manufactured before October 1, 1990 that have not been retrofitted to meet the requirements of section 19.

(2) A school bus shall be equipped with signal lights mounted as high and widely spaced laterally as practicable that are capable of displaying to the front 2 overhead alternately flashing red lights located at the same level and to the rear 2 overhead alternately flashing red lights located at the same level. These lights shall have sufficient intensity to be visible from a distance of not less than 500 feet in normal sunlight.

(3) Overhead alternately flashing stoplights shall be operated by a manually operated switch and detached from any other instrument on the bus. A flashing light shall not be connected to the brakes or the service door on school buses manufactured before October 1, 1990. A 3-inch black area shall be provided around flasher lamps front and rear. Lamps indicating alternating flashing light operation shall be visible to the driver when in a normal seated position.

(4) Signal lights and stoplights under this section shall be in conformance with current United States department of transportation federal motor vehicle safety regulations found in 49 CFR part 571.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;—Am. 2004, Act 231, Imd. Eff. July 21, 2004.

257.1819 Red and amber signal lights; applicability to new school buses.

Sec. 19. (1) This section applies to new school buses manufactured on or after October 1, 1990 and to school buses manufactured before October 1, 1990 that are retrofitted to meet the requirements of this section.

(2) A school bus shall be equipped with signal lights mounted as high and widely spaced laterally as practicable that are capable of displaying to the front 2 overhead alternately flashing red lights located at the same level and to the rear 2 overhead alternately flashing red lights located at the same level.

(3) In addition to the 4 red lights described in subsection (2), 4 amber lights shall be installed near each red signal light, at the same level, but closer to the vertical center line of the bus. The system of red and amber signal lights shall be wired so that the amber lights are energized manually, and the red lights are

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automatically energized, with the amber lights being automatically de-energized, when the bus service door is opened.

(4) The area around the lens of each overhead alternately flashing signal light and extending outward approximately 3 inches shall be painted black. In installations where there is no flat vertical portion of body immediately surrounding the entire lens of a light, a circular or square band of black approximately 3 inches wide, immediately below and to both sides of a lens, shall be painted on the body or roof area against which the signal light is seen from a distance of 500 feet along the axis of the vehicle. Visors or hoods with an appropriate black background to fit their shape and roofcap may also be used. These amber and red lights shall have sufficient intensity to be visible from a distance of not less than 500 feet in normal sunlight. Lights indicating alternately flashing light operation shall be visible to the driver when in a normal seated position.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;—Am. 2004, Act 231, Imd. Eff. July 21, 2004.

257.1820 Stop-arm camera system.

Sec. 20. (1) A school bus may be equipped with a stop-arm camera system in accordance with this section.

(2) A school may do either of the following:

(a) Install and operate a stop-arm camera system on a school bus.

(b) Enter into a contract with a private vendor to install and operate a stop-arm camera system on a school bus.

(3) As used in this section, "stop-arm camera system" means a system of 2 or more cameras affixed to a school bus that meets all of the following requirements:

(a) Is synchronized to automatically record video or 1 or more sequenced photographs of a vehicle failing to stop for a school bus or passing a school bus in violation of section 682(1) of the Michigan vehicle code, 1949 PA 300, MCL 257.682.

(b) Is capable of capturing images of all of the following:

(*i*) The vehicle.

(*ii*) The registration plate on the rear of the vehicle.

(*iii*) A distance of not less than 200 feet in front of the school bus.

(c) Records the date, time, and location on an image produced by the system.

History: Add. 2021, Act 52, Eff. Oct. 11, 2021.

257.1821 Windshield wipers and washers, washer reservoir, and windshield.

Sec. 21.

A school bus shall be equipped with windshield wipers, washers, a washer reservoir, and a windshield that meets the requirements of 49 CFR 571.103 and 571.104.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1823 Vision; mirrors; sun shades; applicability.

Sec. 23. (1) A school bus shall be equipped in a manner that the driver, in a normal seated position, either by direct vision or by use of an indirect vision mirror system, shall be able to observe objects on the roadway in front of and beside the vehicle located inside a continuously visible rectangular area. The school bus shall comply with the visibility and equipment requirements of 49 CFR 571.111.

(2) The interior mirror shall be clear view, safety glass with a reflective surface that provides a clear and reasonably unobstructed view to the rear of the vehicle and complies with 49 CFR 571.111. It shall have rounded corners and padded edges.

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

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1990, Act 322, Imd. Eff. Dec. 20, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1825 Fire extinguisher; first aid kit; fusees and reflectors.

Sec. 25. (1) A school bus shall be equipped with at least 1, 2A-10BC dry chemical fire extinguisher, or its equivalent, that has an aluminum, brass, or bronze valve. The extinguisher shall be mounted securely in an accessible place in the driver's compartment and shall be in satisfactory operating condition at all times.

(2) A school bus shall be equipped with a first aid kit which shall be firmly mounted with a quick release bracket in an accessible location in the driver's compartment and which shall contain, at a minimum, all of the following:

(a) Bandage compress (sterile gauze pads), 4-inch..... 2 packages.

(b) Bandage compress (sterile gauze pads), 2-inch..... 2 packages.

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(c) Adhesive compress, 1-inch..... 2 packages.
(d) Triangular bandage with 2 safety pins, 40-inch..... 1 package.
(e) Roll gauze..... 1 package.
(f) Elastic bandage, 3-inch..... 1 package.

(3) A school bus shall be equipped with 3 bidirectional emergency reflective triangles which are properly cased and securely mounted and 3 red-burning fusees which are capable of burning not less than 15 minutes and which are properly cased and securely mounted in the driver's compartment. Fusees and reflectors shall comply with the standards set forth in this act and the rules promulgated pursuant to this act.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1827 Safety glass; push-out window sash; definition.

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

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

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1829 Fuel tank or container; intake pipe; fuel lines.

Sec. 29. Any part of a fuel tank or container or intake pipe shall not be located within or above the passenger-carrying portion of a school bus unless securely sealed off from that portion by means of a substantial metal cover. Fuel lines shall not extend above the frame rails. The gasoline container, including intake pipe, cap and vent on a school bus manufactured subsequent to December 31, 1964, shall be so designed that, in the event of overturn, the fuel will not be spilled at a rate in excess of 1 ounce per minute.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1831 Flashing, oscillating, or rotating light; location; color; use; conditions.

Sec. 31. A school bus may be equipped with a flashing, oscillating, or rotating light mounted on the roof of the bus approximately 6 feet from the rear of the vehicle which displays a white light to the front, side, and rear of the bus. If a school bus is equipped with such a light, there is no requirement that a driver use it. The light shall not be actuated by the driver unless 1 or more of the following conditions exist:

(a) Inclement weather such as fog, rain, or snow.

(b) When passengers are boarding or being discharged.

(c) From 1/2 hour after sunset until 1/2 hour before sunrise. (d) Where conditions hinder the visibility of the school bus.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1833 Paint; applicability.

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

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

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

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

(d) The grill, if not chrome, must be national school bus chrome yellow.

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

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

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

(h) The outside of a school bus must not have any other lettering, symbol, marking, or advertising, except that animal pictures, cartoon figures, and similar insignia may be affixed to the bus in a temporary manner near the entrance door, but not closer than the second window, to assist in identifying the bus route. A unique identification number may be permanently affixed on the upper corners of the back, front, or sides of the bus. A contractor shall display a USDOT number when required and in the manner required by 49 CFR parts 390 to 399.

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

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

(k) A sticker may be affixed to the side of a school bus that reads as follows: "An unauthorized person attempting to board or boarding this school bus is subject to citation for a civil infraction and may be ordered to pay a civil fine of not more than $500.00.". A sticker affixed to a school bus under this subdivision must be affixed on the left side of the service door between the bottom of the window and the black rub rails.

(2) A bus, other than a school bus, must not be painted, in whole or in part, in the colors and design specified in subsection (1). This subsection does not apply to either of the following:

(a) A bus leased seasonally to transport agricultural workers to and from a field for agricultural operations.

(b) A bus certified by the state transportation department that is owned and operated by a private carrier primarily under contract with a school system that is also used for occasional charter service to the public or for school-related event transportation.

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

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2001, Act 130, Imd. Eff. Oct. 15, 2001;—Am. 2006, Act 107, Eff. Aug. 15, 2006;—Am. 2018, Act 422, Eff. Mar. 20, 2019;—Am. 2021, Act 51, Eff. Oct. 11, 2021.

257.1835 Repealed. 2006, Act 107, Eff. Aug. 15, 2006.

Compiler's note: The repealed section pertained to school bus markings.

257.1837 Repealed. 2006, Act 107, Eff. Aug. 15, 2006.

Compiler's note: The repealed section pertained to availability of school bus standards.

257.1839 Inspections.

Sec. 39. (1) The department of state police shall inspect each school bus annually, and as the department of state police determines necessary where school bus defects have been found, to determine if the school bus meets the requirements of this act and the rules promulgated pursuant to this act. The department of state police may delegate the inspection of school buses to publicly employed inspectors if the inspection complies with this section.

(2) Inspection of a school bus may be accomplished at any time, at any location, on or off a school site, and as frequently as the department of state police considers necessary to secure passenger safety. A school bus may be rejected by the inspecting state police official for further use in transportation of passengers if it does not meet the requirements of this act and the rules promulgated pursuant to this act. However, if a school bus is determined to be safe for operation even though in unsatisfactory condition, the official may determine that not more than 60 days shall be allowed to effect a specific repair.

(3) A person, school, or school bus owner shall not operate or permit to be operated a school bus which has not been inspected under this section.

(4) Any public or private entity that owns or uses a school bus for pupil transportation shall identify itself to the department of state police so an inspection can be scheduled. If an entity has had school buses inspected in the previous year, it is considered to have identified itself. If an entity stops pupil transportation in 1 year and restarts pupil transportation in a later year, it must identify itself to the department of state police as requiring inspection before restarting pupil transportation. An entity is considered to have identified itself by notifying a person of the department of state police responsible for conducting inspections under this act.

(5) When an inspection is scheduled by the department of state police, an entity shall identify to the state police inspector all of the school buses that it intends to use for pupil transportation in that school year. Any school bus that is not submitted for inspection shall be rejected and have a red sticker affixed pursuant to section 41.

(6) The department of state police may prohibit the placement and use of any device or equipment on a school bus that presents a safety hazard to the pupils, driver, or motorists during the loading, unloading, or transportation of pupils.

(7) A school, before establishing a contract with a company for school bus services, shall require the company to verify in writing that the buses used by the contractor have been inspected by the department of state police and have passed that inspection. The school shall specify in a written contract that the contractor will not use any school buses that have not been inspected or have failed inspection, and that a violation of this provision of the contract will result in revocation of the contract. The contract shall specify that the contractor shall submit, in writing, the inspection results of its entire fleet of buses to the school within 30 days of the completion of the department of state police inspection. A school shall identify to the department

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of state police all of the contractors the school is using upon request.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 107, Eff. Aug. 15, 2006.

257.1841 Rejection; red sticker; yellow sticker; reinspection; passing sticker.

Sec. 41. (1) A school bus may be rejected by the inspecting state official for use in transporting passengers if it does not meet the requirements of this act and the rules promulgated pursuant to this act.

(2) A vehicle that is determined by a state police official to be unsafe for further operation as a school bus shall not be used. An unsafe vehicle shall have affixed to its windshield, by the state police official, a red sticker which shall read as follows: "This vehicle may not be driven. Utilization of this vehicle is in violation of law. {reverse side} Do not remove without State Police authorization." The sticker shall remain until the condition is corrected. A school bus may be transported to a maintenance facility for repair if the school bus driver provides written proof of destination to a state police official upon request.

(3) A school bus that is considered to be in unsatisfactory condition, but that is safe for operation, shall have affixed to its windshield by the state police official a yellow sticker which shall read as follows: "This vehicle has equipment defects. {reverse side} Repairs and reinspection shall be obtained on or before _____. Do not remove without State Police authorization." If, upon reinspection, the vehicle defect has not been repaired, replaced, or corrected, the state police official shall remove the yellow sticker and affix a red sticker to the vehicle. Exceptions may be made when the necessary parts or equipment has been ordered but not received at the time of reinspection. Reinspection may take place within 60 days after the original inspection.

(4) A school bus that is considered to be in satisfactory condition after inspection by a state police official shall have a Michigan vehicle inspection passing sticker affixed to its windshield. The owner of a school bus shall remove or destroy the pass sticker before selling the school bus. The display of a pass sticker on a vehicle other than a school bus is a state civil infraction. All stickers are the property of the department of state police.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1843 Inspection of new school bus; acceptance of delivery.

Sec. 43. The department of state police shall inspect a new school bus before a school accepts delivery. The department of state police shall determine whether the new vehicle is acceptable for delivery. The department of state police may delegate the inspection of new school buses to publicly employed inspectors if the inspection complies with this subsection. A school shall not accept delivery of a new school bus unless the new vehicle has been inspected and passed by the department of state police under this subsection and title to the school bus has been obtained by the school in compliance with this act.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1849 Age of driver; chauffeur's license, vehicle group designation, passenger vehicle indorsement, and school bus indorsement required; persons prohibited from operation of school bus; administration of commercial driver license skills test.

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

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

(3) A person shall not operate a school bus or a school administrator or a person or entity under contract with a school to provide pupil transportation services shall not knowingly permit a person to operate a school bus for the transportation of pupils to and from school or school-related events if that person has 7 or more penalty points for moving violations on his or her driving record under section 320a of the Michigan vehicle code, 1949 PA 300, MCL 257.320a, or if the person has a restricted license due to a conviction for a violation of section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

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

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

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

(c) Has been convicted of any of the disqualifying offenses in 49 CFR 383.51(b) while operating a

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commercial motor vehicle or any offense in a noncommercial motor vehicle that would be a disqualifying condition under 49 CFR 383.51(b) if committed in a commercial motor vehicle.

(d) Has more than 1 conviction of any of the serious traffic violations defined in 49 CFR 383.51(c), while operating a commercial motor vehicle within the last 3 years.

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

(f) Has been disqualified from operating a school bus under subsection (3).

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

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1994, Act 309, Eff. Mar. 30, 1995;—Am. 2006, Act 108, Eff. Aug. 15, 2006;—Am. 2018, Act 422, Eff. Mar. 20, 2019.

257.1851 School bus safety education; training program.

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

(2) The person or persons in charge of school bus operations at a school shall have, at a minimum, successfully completed a training program in his or her first year serving as the person or persons in charge of the operation. The person or persons in charge of school bus operations at a school shall successfully complete 6 hours of supervisory continuing education every 2 years after the successful completion of a training program. The superintendent of public instruction shall approve all training programs required of a person or persons in charge of school bus operations at a school, and those training programs shall be provided by an approved educational agency.

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

(4) The legislature shall appropriate the funds necessary to implement this section.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 108, Eff. Aug. 15, 2006;—Am. 2010, Act 93, Imd. Eff. June 22, 2010;—Am. 2018, Act 422, Eff. Mar. 20, 2019.

257.1852 Repealed. 2006, Act 107, Eff. Aug. 15, 2006.

Compiler's note: The repealed section pertained to on-road driver skills test.

257.1853 Drivers of school buses; qualifications; records; background check; prohibition on smoking; alcoholic liquor or controlled substance on bus; third party reimbursement or certain benefits not required.

Sec. 53. (1) A driver of a school bus shall, at a minimum, meet the following qualifications:

(a) The requirements of sections 49 and 51.

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(b) The requirements to ensure that a person is qualified to operate a school bus found in 49 CFR 391.41 to 391.49, including the appendices of each section.

(c) An employer who has reason to believe that a driver is not physically qualified to drive may require a physical examination for that driver at more frequent intervals. If an employer requests a physical examination under this subdivision, the employer shall indicate in writing what physical impairment the driver is to be examined for and shall only be entitled to that portion of the examination results that pertain to that impairment. An examination requested by the employer under this subdivision must be paid for by the employer.

(d) A copy of the medical certificate for a driver must be carried by that driver while he or she is operating a school bus.

(2) A record of each employed school bus driver, including a copy of his or her medical certificate, department of education certification, driver license, certificate of road test application for employment, and any other information that relates to driver qualification or ability to safely drive a school bus, must be maintained in the employer's administrative office.

(3) A school shall submit transportation safety related documents, such as driver qualification records, and vehicle maintenance records upon request for inspection and copying to motor carrier officers or vehicle safety inspectors of the department of state police.

(4) Upon receipt of an application from a person for the position of school bus driver, a school shall request from the department of state police a background check to determine whether the person was convicted of any of the following offenses:

(a) Criminal sexual conduct in any degree.

(b) Assault with intent to commit criminal sexual conduct.

(c) An attempt to commit criminal sexual conduct in any degree.

(d) Felonious assault on a child, child abuse, or cruelty, torture, or indecent exposure involving a child.

(e) A violation of section 145c of the Michigan penal code, 1931 PA 328, MCL 750.145c.

(5) A person shall not smoke on a school bus.

(6) A person shall not possess or consume alcoholic liquor or a controlled substance on a school bus.

(7) This section does not require new or additional third party reimbursement or worker's compensation benefits for services rendered.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2002, Act 647, Imd. Eff. Dec. 23, 2002;—Am. 2004, Act 131, Imd. Eff. June 3, 2004;—Am. 2006, Act 108, Eff. Aug. 15, 2006;—Am. 2010, Act 93, Imd. Eff. June 22, 2010;—Am. 2021, Act 131, Imd. Eff. Dec. 17, 2021.

257.1855 Actuation of alternately flashing lights; procedures for receiving and discharging pupils from bus; crossing road; prohibited stops; instruction on proper school bus etiquette; reimbursement; "required to cross the roadway" explained; visibility.

Sec. 55. (1) A school bus driver shall actuate alternately flashing lights only when the school bus is stopped or stopping on a highway or private road for the purpose of receiving or discharging pupils in the manner provided in this act. A school bus driver shall not actuate the alternately flashing lights when operating on a public highway or private road and transporting passengers primarily other than school pupils.

(2) The driver of a school bus while operating upon the public highways or private roadways open to the public shall receive or discharge pupils from the bus in the following manner:

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

(b) If the pupils are required to cross the roadway, the driver of a school bus equipped with red and amber alternately flashing overhead lights in accordance with section 19 shall activate the alternately flashing overhead amber lights not less than 200 feet before the stop, stop the bus on the roadway or private road to provide for the safety of the pupils being boarded or discharged, deactivate the alternately flashing overhead amber lights, and activate the alternately flashing overhead red lights while receiving or discharging pupils. The bus shall stop in the extreme right-hand lane for the purpose of boarding or discharging pupils. Before resuming motion, the driver shall deactivate these lights and allow congested traffic to disperse where practicable. The deactivation of these lights is the signal for stopped traffic to proceed.

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

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

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

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

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

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

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

(a) Within 200 feet of a public or private roadway intersection unless the stop is approved by the school administrator or entity under contract with a school to provide pupil transportation services.

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

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

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

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

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

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

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

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

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

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

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

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1990, Act 322, Imd. Eff. Dec. 20, 1990;—Am. 1991, Act 184, Imd. Eff. Dec. 27, 1991;—Am. 2000, Act 49, Imd. Eff. Mar. 29, 2000;—Am. 2004, Act 231, Imd. Eff. July 21, 2004;—Am. 2006, Act 108, Eff. Aug. 15, 2006;—Am. 2006, Act 320, Imd. Eff. July 20, 2006;—Am. 2018, Act 422, Eff. Mar. 20, 2019.

257.1857 Driver of school bus at railroad track grade crossing; requirements; "inactive railroad track" defined; exemptions; violation as civil infraction; fine; processing.

Sec. 57. (1) Except as provided in subsections (2), (3), (4), and (5), the driver of a school bus, before crossing a railroad track at grade, shall stop the vehicle within 50 feet but not less than 15 feet from the nearest rail, activate hazard warning lights, turn off all interior switches including fans, heaters, and radios, open the passenger door and driver-side window, and while stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that does not require changing gears while traversing the crossing. The driver shall not shift gears while crossing the track or tracks.

(2) A stop need not be made at a railroad track grade crossing where a uniformed police officer or a traffic-control signal directs traffic to proceed.

(3) A stop need not be made at an inactive railroad track grade crossing. As used in this subsection, "inactive railroad track" means a railroad track that meets both of the following requirements:

(a) The track has been completely paved over or removed.

(b) All signs, signals, and other warning devices are removed.

(4) A stop shall not be made at a railroad track grade crossing on a freeway or limited access highway where the crossing is protected by a clearly visible signal, crossing gate, or barrier at a time when the signal, crossing gate, or barrier is not activated.

(5) A stop shall not be made at a railroad grade crossing marked with a sign reading "exempt". Exempt signs may be erected only by or with the consent of the state transportation department after notice to and an opportunity to be heard by the primary railroad operating over that crossing.

(6) A person who violates this section is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $100.00. A civil infraction under this subsection shall be processed in the same manner as a civil infraction under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1996, Act 170, Imd. Eff. Apr. 18, 1996;—Am. 2006, Act 108, Eff. Aug. 15, 2006;—Am. 2015, Act 129, Imd. Eff. July 15, 2015.

257.1859 Persons eligible for transportation; applicability of subsection (1); limitation as to seating; violation as civil infraction; fine; processing; "authorized person" defined.

Sec. 59. (1) A driver of a school bus shall not transport or permit to be transported on a school bus while transporting pupils to and from school an individual other than pupils, individuals enrolled in a school-sponsored preschool program authorized by state or federal statute, teachers or chaperons of the pupils or other individuals authorized by the school for the protection of property or the health, safety, and welfare of the pupils or individuals attending other school related functions, or both. This subsection does not apply during the transportation of individuals under section 65.

(2) After the fourth Friday following Labor Day of each school year, a school bus must not be used to transport more than 100% of the number of individuals for which the school bus has a rated seating capacity.

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(3) A person that violates or directs a violation of subsection (1) or (2) is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $100.00. A civil infraction under this subsection must be processed in the same manner as a civil infraction under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(4) An individual other than an authorized person shall not enter a school bus without the permission of the driver of the school bus. As used in this subsection, "authorized person" means any of the following:

(a) A pupil.

(b) A person enrolled in a school-sponsored preschool program.

(c) A teacher or other school employee.

(d) A chaperone of the pupils authorized by a school.

(e) A person authorized by a school or the operator of the school bus for the protection of property or the health, safety, and welfare of the occupants of the school bus.

(5) A person shall not impede the progress or operation, or both, of a school bus.

(6) A person that violates subsection (4) or (5) is responsible for a civil infraction and may be ordered to pay a civil fine of not more than $500.00. A civil infraction under this subsection must be processed in the same manner as a civil infraction under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 1996, Act 170, Imd. Eff. Apr. 18, 1996;—Am. 2021, Act 49 , Eff. Oct. 11, 2021.

257.1861 Speed limits; violation; penalty.

Sec. 61. A person operating a school bus shall not exceed the speed limits established for this type of vehicle under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. A person who violates this section is subject to the penalty assessed for violation of section 627 of the Michigan vehicle code, 1949 PA 300, MCL 257.627.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 86, Imd. Eff. Apr. 3, 2006;—Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1863 Repealed. 2006, Act 107, Eff. Aug. 15, 2006.

Compiler's note: The repealed section pertained to incidents involving pupil transportation required to be reported.

257.1865 Use of school bus for transporting persons other than pupils; mileage, insurance, fees, and other costs; priority; purchase of additional school buses; checking and servicing school buses; definition; rights of school employees; collective bargaining agreements.

Sec. 65. (1) Pursuant to an agreement made under subsection (4), a school may permit the use of a school bus that is not otherwise being used for school purposes by an organization or group for purposes of transporting senior citizens or retired or disabled persons, or by a nonprofit organization for purposes of providing transportation to attendees to or from an activity, event, or outing, if the school determines that suitable or economically feasible public or private transportation is not available for this purpose. Mileage, insurance, and other costs may be paid by the group or organization or may be waived by the school.

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

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

(4) A local unit of government, including a city, county, village, or township, may enter into an agreement with a school within its area for the use of school buses to transport senior citizens or retired or disabled persons, or attendees of an activity, event, or outing sponsored by a nonprofit organization, subject to subsections (1) and (5).

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

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

(b) The persons are to be transported to or from an activity that is sponsored or operated by the unit of government.

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

(d) A subcontractor of a unit of government has obtained written evidence of a contract with the governmental agency that shows that the subcontractor is authorized to expend funds for the transportation for

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which the use of a school bus is requested.

(e) Other suitable or economical transportation is not available.

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

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

(a) A corporation organized under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192.

(b) A corporation to which the nonprofit corporation act applies as provided in sections 121 and 123 of the nonprofit corporation act, 1982 PA 162, MCL 450.2121 and 450.2123.

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

(8) Nothing in this section shall be construed to eliminate, modify or restrict any of the rights or collective bargaining agreements school employees have under 1947 PA 336, MCL 423.201 to 423.217.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2018, Act 422, Eff. Mar. 20, 2019.

257.1867 Contract for use of school bus by government; costs; insurance; stipulation; limitation.

Sec. 67. (1) In compliance with section 65(8), if a determination is made that economically feasible private transportation does not exist, a school may contract with a federal, state, or local unit of government, or a subcontractor of these units, for the use of a school bus to transport persons to or from an activity or function sponsored or operated by the unit of government. The governmental agency, or subcontractors of the governmental agency, shall pay the full costs incurred in the use of a school bus. A school bus may be contracted out only in compliance with the provisions of the school insurance policy and any joint stipulations of the school and the school bus drivers including, but not limited to, any collective bargaining agreements in force or if no collective bargaining agreement exists, agreement with the bargaining agent if it has been designated. A school shall not purchase additional school buses for the sole purpose of implementing this provision of law.

(2) The provision of school buses for the purpose provided in subsection (1) shall not be made if bus service for pupils of the school would be compromised.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1869 Purchasing school buses; rehabilitation of school buses; costs; rules.

Sec. 69. The cost of purchasing school buses and the rehabilitation of school buses to extend the period of usefulness shall conform with the rules promulgated by the department of education to provide state aid to eligible school districts for the purchase of school buses and the cost of rehabilitation of school buses to extend the period of usefulness.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1870 Advisory committee; establishment; purpose; membership; duties.

Sec. 70. (1) The department of education shall establish an advisory committee to advise the department on issues and topics concerning school buses and school bus safety. The advisory committee shall consist of a member from each of the following departments or organizations:

(a) The department.

(b) The department of state police.

(c) The state transportation department.

(d) The department of state.

(e) The Michigan association for pupil transportation.

(f) The Michigan association of school business officials.

(g) The Michigan association of school administrators.

(h) The training agency association of Michigan.

(i) A member representing nonpublic schools.

(j) The Michigan education association.

(k) The Michigan association of school boards.

(*l*) Other organizations representing school bus drivers as the department considers appropriate.

(m) Any other organizations or groups the department considers necessary.

(2) The advisory committee shall include members representing bus drivers and supervisors in rural areas, suburban areas, and cities in the Lower and Upper Peninsula.

(3) The advisory committee shall assist the department in the development of continuing education courses

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for school bus drivers and supervisors, any modifications to the introductory school bus safety course, the program to evaluate driving skills and on-road procedural performance skills of each school bus driver, and the minimum threshold for a required safety evaluation, which may include, but is not limited to, number of points on a driving record, operating impaired or under the influence of alcohol, at-fault accidents, or violations of safety procedures, for requiring drivers to take the on-road driver skills test.

(4) The advisory committee shall assist the department in updating physical examination requirements as necessary to comply with changes in federal and state law or rules.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1871 Instruction and training on new procedures.

Sec. 71. A school shall provide instruction and training for its drivers on any new procedures required by this act not more than 30 days after the effective date of this act.

History: 1990, Act 187, Eff. Aug. 15, 1990.

257.1873 Violation as civil infraction or felony; powers of motor carrier officers.

Sec. 73. (1) A person who violates this act is responsible for a state civil infraction and shall be assessed a fine of not more than $500.00, unless that violation is by this act or other law of this state declared to be a felony or a civil infraction.

(2) Motor carrier officers appointed by the director of the department of state police shall have all the powers conferred upon peace officers by the general laws of this state to enforce this act and the rules promulgated pursuant to this act.

History: 1990, Act 187, Eff. Aug. 15, 1990;—Am. 2006, Act 108, Eff. Aug. 15, 2006.

257.1875 Effective date.

Sec. 75. This act shall take effect August 15, 1990.

History: 1990, Act 187, Eff. Aug. 15, 1990.

257.1877 Conditional effective date.

Sec. 77. This act shall not take effect unless all of the following bills of the 85th Legislature are enacted into law:

(a) Senate Bill No. 843.

(b) Senate Bill No. 844.

History: 1990, Act 187, Eff. Aug. 15, 1990.

Compiler's note: Senate Bill No. 843, referred to in this section, was filed with the Secretary of State July 20, 1990, and became P.A. 1990, No. 188, Eff. Aug. 15, 1990.

Senate Bill No. 844, also referred to in this section, was filed with the Secretary of State July 20, 1990, and became P.A. 1990, No. 189, Eff. Aug. 15, 1990.

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