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By: **Chairman, Ways and Means Committee (By Request - Departmental - Education)**

Introduced and read first time: January 28, 2004

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 2004

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CHAPTER 172

1 AN ACT concerning

2 **Education - School Vehicles - Length of Operation**

3 FOR the purpose of revising the types of school vehicles that may be operated for a  
4 certain length of time under certain circumstances; defining a term; providing  
5 for the effective date of certain provisions of this Act; providing that school  
6 vehicles operating under a certain exception must be maintained under a  
7 certain preventive maintenance plan; providing for the termination of certain  
8 provisions of this Act; and generally relating to the operation of school vehicles.

9 BY repealing and reenacting, with amendments,  
10 Article - Education  
11 Section 7-804  
12 Annotated Code of Maryland  
13 (2001 Replacement Volume and 2003 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Education  
16 Section 7-804  
17 Annotated Code of Maryland  
18 (2001 Replacement Volume and 2003 Supplement)  
19 (As enacted by Chapter 420 of the Acts of the General Assembly of 2003)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Education**

2 7-804.

3 (A) IN THIS SECTION, "SCHOOL VEHICLE" HAS THE MEANING STATED IN §  
4 11-154 OF THE TRANSPORTATION ARTICLE.5 [(a)] (B) (1) Except as provided in [paragraph (2)] PARAGRAPHS (2) AND (3)  
6 of this subsection, unless it fails to meet the applicable school bus and motor vehicle  
7 safety standards, a [conventional school bus] SCHOOL VEHICLE may be operated for  
8 12 years.9 (2) (I) In Somerset, Wicomico, and Worcester Counties, unless it fails  
10 to meet the applicable school bus and motor vehicle safety standards, a [conventional  
11 school bus] SCHOOL VEHICLE may be operated for 15 years.12 (II) A SCHOOL VEHICLE OPERATING UNDER SUBPARAGRAPH (I) OF  
13 THIS PARAGRAPH SHALL BE MAINTAINED AS PROVIDED IN SUBSECTION (C) OF THIS  
14 SECTION.15 (3) ANY SCHOOL VEHICLE IN OPERATION OR ACCEPTED BEFORE JULY 1,  
16 2004, OR UNDER CONTRACT TO BE PURCHASED BEFORE JULY 1, 2004, THAT MEETS  
17 THE SPECIFICATIONS OF THE DEPARTMENT AND OF THE MOTOR VEHICLE  
18 ADMINISTRATION FOR TRANSIT STYLE SCHOOL VEHICLES MAY BE OPERATED FOR 15  
19 YEARS.20 [(b)] (C) Notwithstanding the 12-year limitation in subsection [(a)(1)] (B)(1)  
21 of this section, a [conventional school bus] SCHOOL VEHICLE may be operated for  
22 additional years if:23 (1) The [bus] SCHOOL VEHICLE is maintained under a preventive  
24 maintenance plan approved by the Motor Vehicle Administration and the Automotive  
25 Safety Enforcement Division of the Department of State Police that includes an  
26 inspection at the end of the 12th year and a minimum of 2 inspections by the Motor  
27 Vehicle Administration each year thereafter;28 (2) Any structural repairs to the [bus] SCHOOL VEHICLE necessitated  
29 by accident, metal fatigue, or any other cause are certified by an independent expert  
30 approved by the Motor Vehicle Administration to meet or exceed the manufacturer's  
31 original manufacturing standards;

32 (3) The [bus] SCHOOL VEHICLE is equipped with:

33 (i) The body originally placed on the [bus] chassis by the  
34 manufacturer;

35 (ii) An 8 light warning system;

36 (iii) A left side stop arm;

- 1 (iv) A fire-retardant driver's seat;
- 2 (v) Fire-retardant barriers in the case of a [bus] SCHOOL VEHICLE  
3 with a front engine; and
- 4 (vi) A fire-retardant rear seating area in the case of a [bus]  
5 SCHOOL VEHICLE with a rear engine; and
- 6 (4) The State Superintendent grants approval.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
8 read as follows:

9 **Article - Education**

10 7-804.

11 (A) IN THIS SECTION, "SCHOOL VEHICLE" HAS THE MEANING STATED IN §  
12 11-154 OF THE TRANSPORTATION ARTICLE.

13 [(a)] (B) (1) [Unless] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
14 SUBSECTION, UNLESS it fails to meet the applicable [school bus] SCHOOL VEHICLE  
15 and motor vehicle safety standards, a [conventional school bus] SCHOOL VEHICLE  
16 may be operated for 12 years.

17 (2) ANY SCHOOL VEHICLE IN OPERATION OR ACCEPTED BEFORE JULY 1,  
18 2004, OR UNDER CONTRACT TO BE PURCHASED BEFORE JULY 1, 2004, THAT MEETS  
19 THE SPECIFICATIONS OF THE DEPARTMENT AND OF THE MOTOR VEHICLE  
20 ADMINISTRATION FOR TRANSIT STYLE SCHOOL VEHICLES MAY BE OPERATED FOR 15  
21 YEARS.

22 [(b)] (C) Notwithstanding the 12-year limitation in subsection [(a)] (B)(1) of  
23 this section, a [conventional school bus] SCHOOL VEHICLE may be operated for  
24 additional years if:

25 (1) The [bus] SCHOOL VEHICLE is maintained under a preventive  
26 maintenance plan approved by the Motor Vehicle Administration and the Automotive  
27 Safety Enforcement Division of the Department of State Police that includes an  
28 inspection at the end of the 12th year and a minimum of 2 inspections by the Motor  
29 Vehicle Administration each year thereafter;

30 (2) Any structural repairs to the [bus] SCHOOL VEHICLE necessitated  
31 by accident, metal fatigue, or any other cause are certified by an independent expert  
32 approved by the Motor Vehicle Administration to meet or exceed the manufacturer's  
33 original manufacturing standards;

34 (3) The [bus] SCHOOL VEHICLE is equipped with:

35 (i) The body originally placed on the [bus] chassis by the  
36 manufacturer;

- 1 (ii) An 8 light warning system;
- 2 (iii) A left side stop arm;
- 3 (iv) A fire-retardant driver's seat;
- 4 (v) Fire-retardant barriers in the case of a [bus] SCHOOL VEHICLE  
5 with a front engine;
- 6 (vi) A fire-retardant rear seating area in the case of a [bus]  
7 SCHOOL VEHICLE with a rear engine; and
- 8 (4) The State Superintendent grants approval.

9 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act  
10 shall take effect on the taking effect of the termination provision specified in Section  
11 2 of Chapter 420 of the Acts of the General Assembly of 2003. If that termination  
12 provision takes effect, Section 1 of this Act shall be abrogated and of no further force  
13 and effect. This Act may not be interpreted to have any effect on that termination  
14 provision.

15 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions  
16 of Section 3 of this Act, this Act shall take effect July 1, 2004.