

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 681 (Delegate Lam, *et al.*)

Environment and Transportation

Judicial Proceedings

Vehicle Laws - School Vehicles - Definition

This bill expands the definition of a “school vehicle” to include a vehicle that (1) was originally titled in another state and used to transport children, students, or teachers for educational purposes or in connection with a school activity in that state; (2) meets standards and requirements for registration as a Type II school vehicle in Maryland; (3) complies with federal regulations (45 CFR 1310) for transporting children enrolled in the federally funded Head Start program; and (4) is used only for transporting children to and from a Head Start program.

Fiscal Summary

State Effect: None. Motor Vehicle Administration (MVA) revenues and expenditures related to vehicle registrations are not significantly affected.

Local Effect: The bill may provide additional flexibility needed to accelerate the acquisition by some local government agencies and local school systems of a limited number of additional vehicles. However, the bill does not require additional education transportation expenditures. Local revenues are not affected.

Small Business Effect: The bill is not estimated to have a meaningful impact on the sale and distribution of school vehicles in the State.

Analysis

Current Law: Except as otherwise specified, a “school vehicle” is one that is used regularly for the exclusive transportation of children, teachers, or students for educational purposes or in conjunction with a school activity and is either a “Type I school vehicle” or

a “Type II school vehicle.” A “Type I school vehicle” is designed and constructed to carry passengers and is either of the body-on chassis type construction or the integral type construction. It has a gross vehicle weight (GVW) exceeding 15,000 pounds and provides at least 13 inches of seating space per passenger. A Type I school vehicle does not include any bus operated by a common carrier under the jurisdiction of a State, regional, or federal regulatory agency or operated by the agency itself. A “school bus” is a Type I school vehicle.

A “Type II school vehicle” is defined in a way similar to the Type I school vehicle, except that it has a GVW of 15,000 pounds or less and includes buses operated by common carriers under the jurisdiction of a State, regional, or federal regulatory agency or operated by the agency itself.

A “school type vehicle” operated on a regular daily basis to transport students attending kindergarten through grade 12 must be registered and display distinctive “school bus” registration plates. A school type vehicle otherwise operated to transport persons for educational purposes or maintained by an educational institution as part of a transportation system must be registered, but it may be registered under provisions of the law that are not specific to school vehicles.

Manufacturers or distributors of Type I and Type II buses, or dealers of Type II buses that are to be sold or distributed in the State, must certify to MVA that all vehicles they sell or distribute are in full compliance with school vehicle standards established under the Code of Maryland Regulations (COMAR). Also, the manufacturer of the vehicle body must post a metal plate or self-adhesive label in the area above the driver’s seating position certifying that the body construction of the vehicle complies with school vehicle standards established under COMAR. The plate or label must display the body model number or serial number for the vehicle followed by “MD.” There is no provision of COMAR or statute that explicitly prohibits certification of a Type I or Type II school vehicle that is originally titled in another state, if the vehicle meets all other certification requirements.

Federal regulations (45 CFR 1310) provide minimum standards for safety features and the safe operation of vehicles used to transport children participating in Head Start and Early Head Start.

Background: The Head Start program aims to promote the school readiness of low-income children by enhancing their cognitive, social, and emotional development. Funding for Head Start comes largely from the federal government, though the State provides supplemental funding. In some counties, Head Start is operated by county agencies or local school systems; private providers operate the program in most counties.

The purchase price of school vehicles ranges considerably. A new Type I vehicle presently costs approximately \$100,000; a new Type II vehicle presently costs approximately \$60,000. The Maryland State Department of Education has advised that several states in the eastern United States allow the purchase of out-of-state school vehicles (including Connecticut, Delaware, New Jersey, North Carolina, Pennsylvania, Virginia, and West Virginia), yet in practice few out-of-state purchases are made in these states.

Local Fiscal Effect: Because private providers operate Head Start programs in most counties, many local governments and local school systems will not be directly affected. By expanding the definition of a school vehicle, the bill may prompt some local school systems or local government agencies to purchase, lease, or contract for a small number of out-of-state buses that meet, or are retrofitted to meet, Maryland standards. Because school vehicle specifications vary among states, and because of the particular set of standards in place in Maryland, local school systems will likely incur considerable costs in order to retrofit these vehicles to meet Maryland standards.

Additional Information

Prior Introductions: HB 133 of 2014, a similar bill, received a hearing in the House Environmental Matters Committee but was subsequently withdrawn. Its cross file, SB 159, received a hearing in the Senate Judicial Proceedings Committee but was also subsequently withdrawn.

Cross File: None.

Information Source(s): Maryland State Department of Education, Maryland Department of Transportation, Department of Legislative Services

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kb/rhh

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