

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 44 (Senator Young)  
Education, Health, and Environmental Affairs

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Vehicle Laws - School Buses - Inspection, Repair, and Maintenance  
Requirements

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This bill requires the owner of a school bus in the State to ensure that the school bus is inspected, repaired, and maintained in accordance with Federal Motor Carrier Safety Regulations (FMCSR) and prohibits the owner from allowing the school bus to be operated unless this requirement is met. The Motor Vehicle Administration (MVA) may suspend the registration of a school bus that does not meet the requirement. **The bill takes effect July 1, 2018.**

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Fiscal Summary

**State Effect:** MVA special fund expenditures increase minimally in FY 2019. The Department of State Police (DSP) expenditures potentially increase by an indeterminate amount beginning in FY 2019.

**Local Effect:** Local school system expenses may be affected; any effect will be minimal for most school systems.

**Small Business Effect:** Small businesses that own and operate school buses or perform vehicle inspections and maintenance may be affected.

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Analysis

**Current Law:** Each public school vehicle must undergo three safety inspections and one preventative maintenance inspection annually, according to MVA regulations and inspection standards. Of the three annual inspections, one must be observed and recorded by an MVA compliance agent. Accountability for the inspections varies, depending on

who owns the bus and whether it is used for public school transportation or for private or parochial school transportation.

State regulations also require a pre-operational check of each vehicle to be performed each day the vehicle is operated and a post-operational check to be conducted at the end of each trip. A school vehicle found to be mechanically unsafe must be immediately discontinued from use until made safe and authorized to be placed in service again by the supervisor of transportation.

### *Federal Motor Carrier Safety Regulations*

FMCSR only apply to the operation of a school bus that is a commercial motor vehicle. A school bus is exempt from FMCSR if it is used to transport only school children and/or personnel between home and school or if the transportation is performed by a governmental entity. According to the U.S. Department of Transportation, public and private school bus transportation is currently exempt from FMCSR *except* extracurricular school activities by private schools.

FMCSR require applicable motor carriers to have all motor vehicles subject to their control systematically inspected, repaired, and maintained. Specified records of inspection, repairs, and maintenance must be maintained and retained for each motor vehicle. Drivers of applicable vehicles must prepare daily vehicle inspection reports at the completion of each work day. Before driving a motor vehicle, the driver must (a) be satisfied that the motor vehicle is in safe operating condition; (b) review the last driver vehicle inspection report; and (c) sign the report under certain circumstances.

Additionally, FMCSR require specified periodic inspections of commercial motor vehicles; the vehicle may not be operated without documentation that such an inspection has occurred at least once in the past 12 months. Federal regulations specify the qualifications that inspectors must meet to perform these inspections.

**Background:** There are approximately 8,300 public school buses in the State as well as nearly 900 private school buses. Fiscal 2018 State aid to public school systems in support of student transportation totals \$276.3 million.

**State Fiscal Effect:** MVA advises that it will incur a one-time expense of approximately \$15,000 for computer programming contractual services in fiscal 2019 to comply with its responsibilities under the bill. MVA costs associated with necessary staff training can be absorbed using current resources.

MVA and DSP advise that the bill may subject school buses to random pull-ins at weigh/inspection facilities operated by the DSP's Commercial Vehicle Enforcement

Division (CVED). The Department of Legislative Services (DLS) assumes that, though school buses may be subjected to pull-ins at weigh/inspection facilities, the number of pull-ins at these facilities for all vehicles subject to them will not increase significantly beyond the daily total under current practice.

DSP also advises that CVED employees may potentially be the only individuals authorized to officially conduct inspections under the bill and that, if this is so, DSP employees would have to visit bus depots across the State to assure compliance; random pull-ins at weigh/inspection facilities would not suffice. Under this scenario, DSP estimates its costs increase \$1.3 million in fiscal 2019 with ongoing costs of \$367,800 in fiscal 2020, thereafter increasing with inflation. DLS advises that DSP did not provide definitive detail to substantiate the notion that only its employees may conduct the required inspections. Further, MVA cites FMCSR language that specifies the qualifications needed to perform inspections under federal law and which does not specify that only law enforcement officers may conduct the inspections. Therefore, while DLS finds that CVED operations may be impacted, DLS assumes that any additional costs will be substantially lower than those cited above. To the extent that CVED employees conduct inspections under the bill, DLS assumes that a fee may be charged to the school bus operators.

**Local Fiscal Effect:** School bus operators, and thereby local school systems, may incur additional inspection fees and monetary penalties for violations under the bill, including violations cited at weigh/inspection facilities. Anne Arundel, Garrett, and Howard counties advise that the bill will have no fiscal impact on their local school systems. Montgomery County estimates that its local school system will be minimally affected.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Anne Arundel, Garrett, Howard, and Montgomery counties; Maryland State Department of Education; Maryland Department of Transportation; Department of State Police; U.S. Department of Transportation; Department of Legislative Services

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Analysis by: Scott P. Gates

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510