

# HOUSE BILL 1234

F1, R2

0lr2151

---

By: **Chair, Wicomico County Delegation**

Introduced and read first time: February 7, 2020

Assigned to: Ways and Means

---

## A BILL ENTITLED

1 AN ACT concerning

2 **County Boards of Education – Student Transportation – Vehicles**

3 FOR the purpose of authorizing a county board of education to provide transportation to  
4 and from school for certain students using a vehicle other than a certain type of  
5 school vehicle under certain circumstances; altering a certain definition; and  
6 generally relating to vehicles for student transportation and county boards of  
7 education.

8 BY repealing and reenacting, without amendments,

9 Article – Transportation

10 Section 11–154

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2019 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Education

15 Section 7–801

16 Annotated Code of Maryland

17 (2018 Replacement Volume and 2019 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Transportation**

21 11–154.

22 (a) “School vehicle” means, except as provided in subsection (b) of this section,  
23 any motor vehicle that:

24 (1) Is used regularly for the exclusive transportation of children, students,

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 or teachers for educational purposes or in connection with a school activity; and

2 (2) Is:

3 (i) A Type I school vehicle, as defined in this subtitle;

4 (ii) A Type II school vehicle, as defined in this subtitle; or

5 (iii) A vehicle that:

6 1. Was originally titled in another state and used to  
7 transport children, students, or teachers for educational purposes or in connection with a  
8 school activity in that state;

9 2. Complies with regulations on transporting children  
10 enrolled in the federally funded Head Start Program adopted by the United States  
11 Department of Health and Human Services; and

12 3. Is used only for transporting children to and from a Head  
13 Start program.

14 (b) "School vehicle" does not include:

15 (1) A privately owned vehicle while it is carrying members of its owner's  
16 household and not operated for compensation; or

17 (2) A vehicle that is registered as a Class M (multipurpose) vehicle under  
18 § 13-937 of this article or a Class A (passenger) vehicle under § 13-912 of this article and  
19 used to transport children between one or more schools or licensed child care centers or to  
20 and from designated areas that are approved by the Administration if:

21 (i) The vehicle is designed for carrying 15 persons or less, including  
22 the driver;

23 (ii) The children are permitted to embark or exit the vehicle only at  
24 a school or child care center or a designated area approved by the Administration;

25 (iii) The owner has obtained vehicle liability insurance or other  
26 security as required by Title 17 of this article; and

27 (iv) The vehicle is equipped with proper seat belts or safety seats so  
28 as to permit each child to be secured in a seat belt or a safety seat as required by §§  
29 22-412.2 and 22-412.3 of this article.

30 **Article – Education**

31 7-801.

1 (a) (1) In this section the following words have the meanings indicated.

2 (2) (I) “Nonpublic school” means an elementary or secondary school [in  
3 Calvert County that does not receive State aid] **IN THE STATE THAT IS NOT PART OF THE  
4 PUBLIC ELEMENTARY AND SECONDARY EDUCATION SYSTEM OF THIS STATE.**

5 (II) **“NONPUBLIC SCHOOL” INCLUDES AN ELEMENTARY OR  
6 SECONDARY SCHOOL IN CALVERT COUNTY THAT DOES NOT RECEIVE STATE AID.**

7 (3) “Public school bus” includes any other conveyance used to transport  
8 students to a public school.

9 (b) (1) At its own expense, a county governing body may provide  
10 transportation for public school students in addition to the transportation provided by the  
11 State.

12 (2) In Montgomery County, a fee may not be charged for transporting  
13 public school students to school from their designated bus stop locations or from school to  
14 their designated bus stop locations.

15 (c) **A COUNTY BOARD MAY PROVIDE TRANSPORTATION TO AND FROM  
16 SCHOOL USING A VEHICLE OTHER THAN A TYPE I OR TYPE II SCHOOL VEHICLE, AS  
17 DEFINED IN § 11-154 OF THE TRANSPORTATION ARTICLE, WHEN A SCHOOL  
18 VEHICLE CANNOT REASONABLY BE PROVIDED FOR THE FOLLOWING PUBLIC  
19 SCHOOL STUDENTS:**

20 (1) **PRESCHOOL STUDENTS;**

21 (2) **STUDENTS RECEIVING SPECIAL EDUCATION SERVICES;**

22 (3) **HOMELESS YOUTH;**

23 (4) **CHILDREN IN FOSTER CARE;**

24 (5) **STUDENTS INACCESSIBLE TO SCHOOL BUSES;**

25 (6) **STUDENTS IN A NONPUBLIC SCHOOL PLACEMENT;**

26 (7) **STUDENTS IN DUAL ENROLLMENT PROGRAMS OR WORK  
27 PROGRAMS; OR**

28 (8) **OTHER STUDENTS ON A WRITTEN DETERMINATION OF THE  
29 COUNTY BOARD.**

1            ~~[(c)]~~ **(D)**        (1)     Subject to the requirements of paragraph (2) of this subsection,  
2 in Calvert County the county board may provide transportation to and from school on a  
3 public school bus for a student who attends a nonpublic school.

4                            (2)     Transportation offered by the Calvert County Board under this section  
5 shall be offered to a student attending a nonpublic school:

6                            (i)     If there is sufficient capacity on the school bus;

7                            (ii)    If the student resides on, along, or near a public highway in the  
8 county on which a public school bus or conveyance operates;

9                            (iii)   If the student resides in the public school transportation district  
10 served by the public school bus;

11                           (iv)    Only on the routes, school days, and hours of transportation that  
12 coincide with the routes, school days, and hours of transportation for students attending  
13 public schools in the county; and

14                           (v)    In the case of a student who attends a nonpublic school that is  
15 not on the public school bus route, only to the public school on the route which is nearest to  
16 the nonpublic school.

17                           (3)     The Calvert County Board is not responsible for the safety of any  
18 nonpublic school student who is transported on a public school bus under this subsection  
19 after the student is discharged from the public school bus, and the board may not be held  
20 liable in any civil action arising from an act or omission that occurs after the student is  
21 discharged from the public school bus.

22                           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
23 1, 2020.