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**By: Senator Astle**

Introduced and read first time: January 9, 1997

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - School Vehicles - Standing by Pupils**

3 FOR the purpose of prohibiting certain responsible persons from transporting more than  
4 a certain number of pupils on a school bus except under certain circumstances;  
5 prohibiting certain responsible persons from allowing pupils riding on a school bus  
6 to stand while the bus is in motion except under certain circumstances; requiring the  
7 driver of a school bus to drive at a reduced rate of speed when pupils are standing;  
8 requiring the Motor Vehicle Administration and the State Department of  
9 Education to adopt certain regulations on or before a certain date; requiring the  
10 State Department of Education to report to the General Assembly on or before a  
11 certain date; and generally relating to a prohibition against pupils standing on a  
12 school bus that is in motion.

13 BY repealing and reenacting, with amendments,  
14 Article - Transportation  
15 Section 21-1118 and 25-110  
16 Annotated Code of Maryland  
17 (1992 Replacement Volume and 1996 Supplement)

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

20 **Article - Transportation**

21 21-1118.

22 (a) The driver of a school bus:

23 (1) Is responsible for its operation; and

24 (2) May not drive it into any roadway without first stopping and determining  
25 that there is no danger from any other vehicle.

26 (b) The person responsible for any pupils on a school bus is:

27 (1) The teacher on the bus; or

28 (2) If a teacher is not present, the driver.

1 (c) (1) EXCEPT IN AN EMERGENCY SITUATION DEFINED BY THE  
2 ADMINISTRATION BY REGULATION UNDER § 25-110(A)(2)(I) AND (II) OF THIS  
3 ARTICLE, A PERSON RESPONSIBLE FOR PUPILS ON A SCHOOL BUS MAY NOT:

4 (I) TRANSPORT MORE PUPILS THAN THE QUANTITY AUTHORIZED  
5 BY THE SEATING CAPACITY OF THE SCHOOL BUS AS DETERMINED BY THE  
6 ADMINISTRATION BY REGULATION UNDER § 25-110(A)(2)(III) OF THIS ARTICLE; AND

7 (II) ALLOW A PUPIL TO STAND WHILE THE SCHOOL BUS IS IN  
8 MOTION.

9 (2) (I) [A] IN AN EMERGENCY SITUATION, A person responsible for  
10 pupils on a school bus may [not permit] ALLOW A PUPIL TO STAND WHILE THE  
11 SCHOOL BUS IS IN MOTION, PROVIDED THAT EVERY AVAILABLE SEAT ON THE  
12 SCHOOL BUS IS OCCUPIED BY A PUPIL.

13 (II) [the] THE number of standing pupils [to] MAY NOT exceed one  
14 pupil for each part of the aisle that is bounded on both sides by forward facing seats.

15 (3) WHEN A PUPIL IS STANDING ON A SCHOOL BUS THAT IS IN MOTION,  
16 THE DRIVER SHALL PROCEED AT A REDUCED RATE OF SPEED TO MAXIMIZE THE  
17 SAFETY OF THE PUPIL, TAKING INTO ACCOUNT EXISTING TRAFFIC CONDITIONS.

18 (d) A person responsible for pupils on a school bus may not permit any pupil to  
19 stand if the school bus is equipped only with lengthwise or a combination of lengthwise  
20 and forward facing seats.

21 (e) A person responsible for pupils on a school bus may not permit any pupil to  
22 stand in front of the stanchion and guardrail.

23 (f) A person responsible for pupils on a school bus may not permit any pupil to  
24 operate the front door opening mechanism, except in an emergency.

25 (g) A person responsible for pupils on a school bus may not require any pupil to  
26 sit on the floor.

27 (h) Except for the driver and any fuel station attendant, a person may not occupy  
28 a school bus while it is being supplied with fuel.

29 (i) Either the driver or an adult aide assigned to each school vehicle that is used  
30 to transport handicapped children shall be certified as having successfully completed a  
31 first aid-safety course approved by the Department of Education.

32 25-110.

33 (a) (1) With the advice of the State Department of Education, the [Motor  
34 Vehicle] Administration shall adopt and enforce rules and regulations not inconsistent  
35 with the Maryland Vehicle Law to govern the safe operation of all school vehicles.

36 (2) (I) THE ADMINISTRATION SHALL ADOPT REGULATIONS THAT  
37 DEFINE AN EMERGENCY SITUATION FOR THE PURPOSES OF § 21-1118(C) OF THIS  
38 ARTICLE WHICH SHALL:

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1 1. DEFINE EACH TYPE OF EMERGENCY SITUATION UNDER  
2 WHICH A PUPIL MAY STAND WHILE A SCHOOL BUS IS IN MOTION; AND

3 2. FOR EACH TYPE OF EMERGENCY SITUATION DEFINED,  
4 REQUIRE THAT EACH SCHOOL BOARD PROVIDE RELIEF OF THE EMERGENCY  
5 SITUATION WITHIN A MINIMUM NUMBER OF DAYS AS DETERMINED BY THE  
6 ADMINISTRATION BY PROVIDING ADDITIONAL EQUIPMENT, BUS REROUTING, BUS  
7 RESCHEDULING, OR OTHER APPROPRIATE REMEDIAL ACTION.

8 (II) IF ONE EMERGENCY SITUATION DEFINED BY THE  
9 ADMINISTRATION IS THE OVERCROWDING OF A SCHOOL BUS DUE TO  
10 UNCERTAINTY ABOUT THE DEMAND FOR SEATS ON A GIVEN SCHOOL BUS ROUTE  
11 AT THE BEGINNING OF A NEW SCHOOL YEAR, THE REGULATIONS SHALL ALLOW  
12 PUPILS TO STAND ON A SCHOOL BUS IN RESPONSE TO SUCH AN EMERGENCY  
13 SITUATION ONLY DURING THE FIRST 15-SCHOOL DAYS OF A NEW SCHOOL YEAR.

14 (III) 1. THE ADMINISTRATION SHALL ADOPT REGULATIONS  
15 ESTABLISHING SCHOOL BUS SEATING CAPACITIES THAT TAKE INTO ACCOUNT THE  
16 DIFFERENCES IN AVERAGE SIZES OF PUPILS IN PRIMARY AND SECONDARY  
17 SCHOOLS.

18 2. IF THE SEATING CAPACITY OF A SCHOOL BUS AS  
19 DETERMINED BY THE REGULATIONS ADOPTED BY THE ADMINISTRATION IS  
20 DIFFERENT FROM THE MANUFACTURER'S RATED SEATING CAPACITY FOR THE  
21 SCHOOL BUS, THE SEATING CAPACITY AS DETERMINED BY THE ADMINISTRATION  
22 SHALL BE USED FOR PURPOSES OF § 21-1118(C)(1)(I) OF THIS ARTICLE.

23 [(2)] (3) The following shall be subject to the rules and regulations adopted  
24 under this section:

25 (i) Every school or school district and its officers and employees;

26 (ii) Every person employed under contract by a school or school  
27 district; and

28 (iii) Every person that owns or operates a school vehicle.

29 (b) (1) Any officer or employee of any school or school district who violates any  
30 rule or regulation adopted under this section or fails to include the obligation to comply  
31 with these rules and regulations in any contract executed by him on behalf of a school or  
32 school district is guilty of misconduct and subject to removal from office or employment.

33 (2) Any person that owns or operates a school vehicle and violates any rule  
34 or regulation adopted under this section is guilty of a misdemeanor and the vehicle  
35 involved is subject to suspension or revocation of its registration.

36 SECTION 2. AND BE IT FURTHER ENACTED, That the State Department of  
37 Education shall report to the General Assembly on or before January 1 of each year  
38 beginning after completion of the 1997-1998 school year, in accordance with § 2-1312 of  
39 the State Government Article, on the number of buses on which pupils were required to  
40 stand during the course of the most recently completed school year. The report shall  
41 include a breakdown by county and the City of Baltimore by number of bus/days and

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1 reasons for standing pupils. The report also shall include information on the success of  
2 each jurisdiction in complying with the time limits established by the Motor Vehicle  
3 Administration under § 25-110(a)(2)(i)2 of the Transportation Article for remedying an  
4 emergency situation requiring pupils to stand on buses that are in motion.

5           SECTION 3. AND BE IT FURTHER ENACTED, That the Motor Vehicle  
6 Administration shall adopt new regulations under § 25-110(a)(2) of the Transportation  
7 Article in time for implementation at the beginning of the 1997-1998 school year. The  
8 State Department of Education shall adopt as necessary new regulations consistent with  
9 this Act in time for implementation at the beginning of the 1997-1998 school year.

10           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 July 1, 1997.