
By: **Delegates Mandel, Benson, Bobo, Bronrott, Cadden, Clagett, Dobson,
Dypski, Shriver, and Snodgrass**

Introduced and read first time: February 9, 2001
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation - School Vehicles - Safety Standards**

3 FOR the purpose of requiring a person who transports certain children to school or
4 certain activities to transport the children in a vehicle that conforms to certain
5 safety standards; establishing certain exceptions to the requirement;
6 authorizing a person to use a nonconforming vehicle to transport certain
7 children to school or certain activities under certain circumstances until a
8 certain date; altering the definition of "school vehicle"; excepting certain
9 vehicles from the definition of "school vehicle" until a certain date; requiring
10 certain Motor Vehicle Administration regulations to conform to certain federal
11 standards; making certain stylistic changes; and generally relating to safety
12 standards for school vehicles in the State.

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 11-154 and 25-110
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2000 Supplement)

18 BY adding to
19 Article - Transportation
20 Section 22-419
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 2000 Supplement)

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

Article - Transportation

11-154.

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

(1) Is used regularly for the exclusive transportation of children, students, or teachers for educational purposes or in connection with a school activity; and

(2) Is either:

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

(ii) A Type II school vehicle, as defined in this subtitle.

(b) "School vehicle" does not include:

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

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

(i) [The] UNTIL OCTOBER 1, 2006, THE vehicle is designed for carrying 15 persons or less, including the driver, AND THE VEHICLE WAS USED TO TRANSPORT CHILDREN UNDER THE AGE OF 18 YEARS TO OR FROM SCHOOL, A SCHOOL RELATED ACTIVITY, A CHILD CARE CENTER, OR A CIVIC, EDUCATIONAL, SOCIAL, OR RECREATIONAL ACTIVITY, INCLUDING A DAY OR SUMMER CAMP, BEFORE OCTOBER 1, 2001;

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

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

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

22-419.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A PERSON WHO TRANSPORTS CHILDREN UNDER THE AGE OF 18 YEARS TO OR FROM SCHOOL, A SCHOOL RELATED ACTIVITY, A CHILD CARE CENTER, OR A CIVIC, EDUCATIONAL, SOCIAL, OR RECREATIONAL ACTIVITY, INCLUDING A DAY OR SUMMER CAMP, SHALL TRANSPORT THE CHILDREN IN A VEHICLE THAT CONFORMS TO

1 FEDERAL SCHOOL BUS SAFETY STANDARDS UNDER 49 U.S.C. § 30125(B) AND
2 APPLICABLE FEDERAL REGULATIONS.

3 (B) THIS SECTION DOES NOT PROHIBIT:

4 (1) A STATE OR LOCAL HUMAN SERVICES PROVIDER OR A PUBLIC
5 TRANSPORTATION AUTHORITY FROM TRANSPORTING A CHILD TO OR FROM A CHILD
6 CARE CENTER IN A VEHICLE THAT DOES NOT CONFORM TO 49 U.S.C. § 30125(B) AND
7 APPLICABLE FEDERAL REGULATIONS IF THE CHILD IS ACCOMPANIED BY A PARENT
8 OR LEGAL GUARDIAN WHO IS TRAVELLING IN CONNECTION WITH EMPLOYMENT,
9 EDUCATION, OR TRAINING; OR

10 (2) A COMMON CARRIER THAT IS NOT PRIMARILY ENGAGED IN THE
11 TRANSPORTING OF CHILDREN UNDER THE AGE OF 18 YEARS FROM TRANSPORTING
12 CHILDREN UNDER THE AGE OF 18 YEARS IN A VEHICLE DESIGNED TO CARRY AT
13 LEAST 30 PASSENGERS.

14 (C) IF A VEHICLE THAT DOES NOT COMPLY WITH THIS SECTION WAS USED TO
15 TRANSPORT CHILDREN UNDER THE AGE OF 18 YEARS TO OR FROM SCHOOL, A
16 SCHOOL RELATED ACTIVITY, A CHILD CARE CENTER, OR A CIVIC, EDUCATIONAL,
17 SOCIAL, OR RECREATIONAL ACTIVITY, INCLUDING A DAY OR SUMMER CAMP, BEFORE
18 OCTOBER 1, 2001, THE VEHICLE MAY BE USED TO TRANSPORT CHILDREN UNDER THE
19 AGE OF 18 YEARS UNTIL OCTOBER 1, 2006.

20 25-110.

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

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

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

28 (ii) Every person employed under contract by a school or school
29 district; and

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

31 (3) REGULATIONS ADOPTED UNDER THIS SECTION SHALL CONFORM TO
32 FEDERAL SCHOOL BUS SAFETY STANDARDS UNDER 49 U.S.C. § 30125(B) AND
33 APPLICABLE FEDERAL REGULATIONS.

34 (b) (1) Any officer or employee of any school or school district who violates
35 any [rule or] regulation adopted under this section or fails to include the obligation to
36 comply with these [rules and] regulations in any contract executed by [him] THE
37 OFFICER OR EMPLOYEE on behalf of a school or school district is guilty of misconduct
38 and subject to removal from office or employment.

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2001.