
By: **Delegates Mandel, Barkley, Benson, Bronrott, Carlson, Clagett, Conroy,
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Sophocleus, Swain, and Valderrama**

Introduced and read first time: February 7, 2002
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 a child to school or certain
4 activities to transport the child in a vehicle that conforms to certain safety
5 standards; establishing certain exceptions to the requirement; authorizing the
6 use of a nonconforming vehicle to transport a child to school or certain activities
7 under certain circumstances until a certain date; altering the definition of
8 "school vehicle"; providing that certain vehicles are excepted from the definition
9 of "school vehicle" until a certain date; requiring the Motor Vehicle
10 Administration to adopt regulations governing safety standards for school
11 buses; requiring the regulations of the Administration to conform to certain
12 federal standards; making certain stylistic changes; and generally relating to
13 safety standards for school vehicles in the State.

14 BY repealing and reenacting, with amendments,
15 Article - Transportation
16 Section 11-154 and 25-110
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2001 Supplement)

19 BY adding to
20 Article - Transportation
21 Section 22-419
22 Annotated Code of Maryland
23 (1999 Replacement Volume and 2001 Supplement)

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

1 **Article - Transportation**

2 11-154.

3 (a) "School vehicle" means, except as provided in subsection (b) of this section,
4 any motor vehicle that:5 (1) Is used regularly for the exclusive transportation of children,
6 students, or teachers for educational purposes or in connection with a school activity;
7 and

8 (2) Is either:

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

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

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

12 (1) A privately owned vehicle while it is carrying members of its owner's
13 household and not operated for compensation; or14 (2) A vehicle that is registered as a Class M (multipurpose) vehicle under
15 § 13-937 of this article or a Class A (passenger) vehicle under § 13-912 of this article
16 and used to transport children between one or more schools or licensed child care
17 centers or to and from designated areas that are approved by the Administration if:18 (i) [The] UNTIL OCTOBER 1, 2007, THE vehicle is designed for
19 carrying 15 persons or less, including the driver, AND THE VEHICLE WAS USED
20 BEFORE OCTOBER 1, 2002 TO TRANSPORT CHILDREN UNDER THE AGE OF 18 YEARS TO
21 OR FROM SCHOOL, A SCHOOL RELATED ACTIVITY, A CHILD CARE CENTER, OR A CIVIC,
22 EDUCATIONAL, SOCIAL, OR RECREATIONAL ACTIVITY, INCLUDING A DAY OR SUMMER
23 CAMP;24 (ii) The children are permitted to embark or exit the vehicle only at
25 a school or child care center or a designated area approved by the Administration;26 (iii) The owner has obtained vehicle liability insurance or other
27 security as required by Title 17 of this article; and28 (iv) The vehicle is equipped with proper seat belts or safety seats so
29 as to permit each child to be secured in a seat belt or a safety seat as required by §§
30 22-412.2 and 22-412.3 of this article.

31 22-419.

32 (A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A
33 PERSON WHO TRANSPORTS A CHILD UNDER THE AGE OF 18 YEARS TO OR FROM
34 SCHOOL, A SCHOOL RELATED ACTIVITY, A CHILD CARE CENTER, OR A CIVIC,
35 EDUCATIONAL, SOCIAL, OR RECREATIONAL ACTIVITY, INCLUDING A DAY OR SUMMER
36 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 COMMON CARRIER THAT IS NOT PRIMARILY ENGAGED IN THE
5 TRANSPORTING OF CHILDREN UNDER THE AGE OF 18 YEARS FROM TRANSPORTING A
6 CHILD UNDER THE AGE OF 18 YEARS IN A VEHICLE DESIGNED TO CARRY AT LEAST 30
7 PASSENGERS;

8 (2) A PERSON FROM TRANSPORTING A CHILD TO OR FROM SCHOOL, A
9 SCHOOL RELATED ACTIVITY, A CHILD CARE CENTER, OR A CIVIC, EDUCATIONAL,
10 SOCIAL, OR RECREATIONAL ACTIVITY, INCLUDING A DAY OR SUMMER CAMP, IN:

11 (I) A PRIVATELY OWNED VEHICLE WHILE IT IS:

12 1. CARRYING MEMBERS OF THE VEHICLE OWNER'S
13 HOUSEHOLD; AND

14 2. NOT OPERATED FOR COMPENSATION;

15 (II) LICENSED TAXICAB UNDER CONTRACT WITH THE NEW
16 BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS; OR

17 (III) A PRIVATELY OWNED VEHICLE OF A FAMILY CHILD CARE
18 PROVIDER REGISTERED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY LAW ARTICLE;
19 OR

20 (3) A TRANSPORTATION SERVICE THAT USES A VEHICLE THAT DOES
21 NOT CONFORM TO 49 U.S.C. § 30125(B) AND APPLICABLE FEDERAL REGULATIONS
22 FROM TRANSPORTING A CHILD TO OR FROM SCHOOL, A SCHOOL RELATED ACTIVITY,
23 A CHILD CARE CENTER, OR A CIVIC, EDUCATIONAL, SOCIAL, OR RECREATIONAL
24 ACTIVITY, INCLUDING A DAY OR SUMMER CAMP, UNDER A PRIVATE CONTRACT WITH:

25 (I) A PARENT OR GUARDIAN OF A CHILD; OR

26 (II) A PERSON WHO SUPERVISES A CHILD UNDER AN
27 OUT-OF-HOME PLACEMENT PROGRAM.

28 (C) IF A VEHICLE THAT DOES NOT COMPLY WITH THIS SECTION WAS USED TO
29 TRANSPORT A CHILD UNDER THE AGE OF 18 YEARS TO OR FROM SCHOOL, A SCHOOL
30 RELATED ACTIVITY, A CHILD CARE CENTER, OR A CIVIC, EDUCATIONAL, SOCIAL, OR
31 RECREATIONAL ACTIVITY, INCLUDING A DAY OR SUMMER CAMP, BEFORE OCTOBER 1,
32 2002, THE VEHICLE MAY BE USED TO TRANSPORT A CHILD UNDER THE AGE OF 18
33 YEARS UNTIL OCTOBER 1, 2007.

1 25-110.

2 (a) (1) With the advice of the State Department of Education, the [Motor
3 Vehicle] Administration shall adopt and enforce [rules and] regulations not
4 inconsistent with the Maryland Vehicle Law to govern [the]:

5 (I) SAFETY STANDARDS FOR SCHOOL BUSES; AND

6 (II) THE safe operation of all school vehicles.

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

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

10 (ii) Every person employed under contract by a school or school
11 district; and

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

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

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

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2002.