
By: **Delegates Mandel, Barkley, Benson, Bobo, Bronrott, V. Clagett, Conroy, Goldwater, Heller, Marriott, Montgomery, V. Turner, Anderson, Aumann, Barve, Cardin, Franchot, Gordon, Gutierrez, Holmes, King, Madaleno, Menes, Murray, Nathan-Pulliam, Paige, Parker, Petzold, Quinter, Simmons, Stern, and Taylor**

Introduced and read first time: February 5, 2004
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation - Safety Standards for the Transportation of Children**

3 FOR the purpose of requiring a person who transports children to school or certain
4 activities to transport the children 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 children to school or certain
7 activities under certain circumstances; providing for the application of certain
8 provisions of this Act; requiring the regulations of the Administration to conform
9 to certain federal standards; making stylistic changes; and generally relating to
10 safety standards for transporting students.

11 BY repealing and reenacting, without amendments,
12 Article - Transportation
13 Section 11-154
14 Annotated Code of Maryland
15 (2002 Replacement Volume and 2003 Supplement)

16 BY adding to
17 Article - Transportation
18 Section 22-419
19 Annotated Code of Maryland
20 (2002 Replacement Volume and 2003 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Transportation
23 Section 25-110
24 Annotated Code of Maryland
25 (2002 Replacement Volume and 2003 Supplement)

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

3 **Article - Transportation**

4 11-154.

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

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

10 (2) Is either:

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

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

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

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

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

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

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

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

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

29 22-419.

30 (A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A
31 PERSON WHO TRANSPORTS NINE OR MORE CHILDREN UNDER THE AGE OF 18 YEARS
32 TO OR FROM SCHOOL, A SCHOOL-RELATED ACTIVITY, A CHILD CARE CENTER, OR A
33 CIVIC, EDUCATIONAL, ATHLETIC, SOCIAL, RECREATIONAL, OR FAITH-BASED
34 ACTIVITY, INCLUDING A DAY OR SUMMER CAMP, SHALL TRANSPORT THE CHILDREN

1 IN A VEHICLE THAT CONFORMS TO FEDERAL SCHOOL BUS SAFETY STANDARDS
2 UNDER 49 U.S.C. § 30125(B) AND 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
6 CHILDREN UNDER THE AGE OF 18 YEARS IN A VEHICLE OTHER THAN A 15
7 PASSENGER VAN;

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

12 (I) A PRIVATELY OWNED VEHICLE THAT IS:

13 1. CARRYING AT LEAST ONE MEMBER OF THE VEHICLE
14 OWNER'S HOUSEHOLD, INCLUDING THE DRIVER; AND

15 2. NOT OPERATED FOR COMPENSATION;

16 (II) A LICENSED TAXICAB UNDER CONTRACT WITH A COUNTY
17 BOARD OF EDUCATION AS DEFINED IN § 1-101 OF THE EDUCATION ARTICLE; OR

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

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

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

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

30 (C) (1) THIS SUBSECTION DOES NOT APPLY TO TRANSPORTATION
31 PROVIDED FOR MARYLAND PUBLIC SCHOOL STUDENTS UNDER COMAR 13A.06.07.10.

32 (2) IF A VEHICLE THAT DOES NOT COMPLY WITH THIS SECTION WAS
33 USED TO TRANSPORT CHILDREN UNDER THE AGE OF 18 YEARS TO OR FROM SCHOOL,
34 A SCHOOL-RELATED ACTIVITY, A CHILD CARE CENTER, OR A CIVIC, EDUCATIONAL,
35 ATHLETIC, SOCIAL, RECREATIONAL, OR FAITH-BASED ACTIVITY, INCLUDING A DAY
36 OR SUMMER CAMP, BEFORE OCTOBER 1, 2004, THE VEHICLE MAY BE USED TO
37 TRANSPORT CHILDREN UNDER THE AGE OF 18 YEARS UNTIL OCTOBER 1, 2009.

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
25 effect October 1, 2004.