

# SENATE BILL 189

R6  
SB 20/08 – JPR

9lr1477

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By: **Senator Simonaire**

Introduced and read first time: January 22, 2009

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 24, 2009

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws – School Buses and Former School Buses – Seat Belts**

3 FOR the purpose of clarifying that a certain type of school vehicle used by certain  
4 schools, camps, day nurseries, or day care centers to transport children is not  
5 required to be equipped with seat belts and is not subject to certain regulations;  
6 establishing that a motor vehicle that formerly was registered as a certain type  
7 of school vehicle is not required to be equipped with seat belts and is not subject  
8 to certain regulations if it is used by certain schools, camps, day nurseries, or  
9 day care centers to transport children; making a stylistic change; and generally  
10 relating to seat belts on school buses.

11 BY repealing and reenacting, without amendments,  
12 Article – Transportation  
13 Section 11–154 and 11–173  
14 Annotated Code of Maryland  
15 (2006 Replacement Volume and 2008 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Transportation  
18 Section 22–412.1  
19 Annotated Code of Maryland  
20 (2006 Replacement Volume and 2008 Supplement)

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

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



**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 vehicle is designed for carrying 15 persons or less, including the driver;

(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.

11–173.

(a) “Type I school vehicle” means a school vehicle that:

(1) Is designed and constructed to carry passengers;

1 (2) Is either of the body-on-chassis type construction or integral type  
2 construction; and

3 (3) Has a gross vehicle weight of more than 15,000 pounds and  
4 provides a minimum of 13 inches of seating space per passenger.

5 (b) "Type I school vehicle" does not include any bus operated by a common  
6 carrier under the jurisdiction of a State, regional, or federal regulatory agency or  
7 operated by the agency itself.

8 22-412.1.

9 Every motor vehicle that is used by nursery schools, camps, day nurseries, or  
10 day care centers for [retarded] children **WITH DEVELOPMENTAL DISABILITIES** to  
11 transport children [and that is not regulated as a "school bus" under this article,] shall  
12 be equipped with seat belts for each seat and shall be subject to such other regulations  
13 as may be prescribed by the Administration, **UNLESS THE MOTOR VEHICLE:**

14 (1) **IS A TYPE I SCHOOL VEHICLE; OR**

15 (2) **WAS FORMERLY REGISTERED AS A TYPE I SCHOOL VEHICLE.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2009.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.