

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 934 (Delegate Smigiel)
Environmental Matters

Vehicle Laws - School Buses - Prohibition on Permitting Sitting on Floor or Standing

This bill prohibits a person responsible for pupils on a school bus from allowing pupils to sit on the floor of a school bus or stand while the bus is in motion.

Fiscal Summary

State Effect: Potential minimal general fund revenue increase due to the application of penalties imposed by the Maryland Vehicle Law (maximum \$500 fine). Any increase in the number of school buses the Maryland State Department Education (MSDE) must approve for use each year does not materially affect State finances.

Local Effect: Potential significant increase in local school system expenditures in FY 2010 to have drivers and buses on standby for emergency overcrowding situations. Revenues are not affected.

Small Business Effect: Minimal.

Analysis

Current Law: A person responsible for pupils on a school bus is prohibited from allowing (1) the number of standing pupils to exceed one pupil for each row of forward facing seats; (2) pupils to stand on a bus equipped with lengthwise seats; (3) pupils to stand in front of the stanchion and guardrail; or (4) pupils to operate the front door opening mechanism, except in an emergency. Pupils cannot be required to sit on the floor of a bus. If no teacher is present, the driver is responsible for pupils on a school bus. A violation of any of the above provisions is a misdemeanor under the Maryland

Vehicle Law and is subject to a maximum fine of \$500. The District Court imposes a prepayment penalty of \$70 and the Motor Vehicle Administration (MVA) must assess one point against the driver's license for a conviction. If the violation contributes to an accident, the prepayment penalty increases to \$110 and MVA must assess three points against the driver's license.

Code of Maryland Regulations provisions require school vehicles to be routed so that all students are seated and loads do not exceed the manufacturer's rated capacity. If an emergency situation creates an overload, this condition must be corrected within a reasonable time. What constitutes reasonable is not defined.

Background: The National Highway Traffic Safety Administration recommends all passengers be seated entirely within the confines of the school bus seats while the bus is in motion. Federal Motor Vehicle Safety Standard 222, "School Bus Passenger Seating and Crash Protection" requires that the interior of large buses provide occupant protection so that children are protected without seatbelts. Occupant crash protection is provided by a protective envelope consisting of strong, closely spaced seats that have energy-absorbing seat backs. Persons not sitting or sitting partially outside of the school bus seats will not be afforded the occupant protection provided by the school bus seats.

The "in use" capacity of a school bus may be less than the manufacturer's rated capacity because the variations in sizes of children of all ages. According to the National Association of State Directors of Pupil Transportation Services the typical school bus seat is 39 inches wide and generally is considered to have a *maximum* seating capacity of three.

Local Expenditures: Local school system expenditures increase, potentially significantly, beginning in fiscal 2010 to have drivers and buses on standby for emergency overcrowding situations. MSDE advises there are three likely scenarios for school bus overcrowding, all of which are infrequent. The first is in the beginning of the school year when rerouting due to an inaccurate student count has not yet been completed. The second situation is when there is a broken-down bus and a nearby bus is able to respond and safely transport the students to school. The third situation is an evacuation emergency where enough buses do not arrive but the evacuation of all students must occur quickly.

To the extent additional school buses are required to transport students in emergency overcrowding situations, local school systems may realize an increase in expenditures of approximately \$118,297 per bus route (\$76,670 in one-time capital cost for one additional school bus and \$41,000 in annual personnel cost for a driver). The cost structure may be different if local school systems use contractors. Approximately half of

the school buses used by public schools are owned by private contractors, and 22 of the 24 local school systems use private contractors to cover at least some busing needs.

Small Business Effect: Private school bus contractors working for the local school systems may be required to purchase additional school buses and hire additional drivers. However, any increase in costs for the contractors is likely to be offset by an increase in the contracts paid by the local school systems.

Additional Information

Prior Introductions: None.

Cross File: SB 754 (Senator Pipkin, *et al.*) - Judicial Proceedings.

Information Source(s): Maryland State Department of Education, Maryland Department of Transportation, National Highway Traffic Safety Administration, National Association of State Directors of Pupil Transportation Services, Department of Legislative Services

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