

SENATE BILL 245

R6
SB 189/09 – JPR

0lr0750
CF 0lr2159

By: **Senator Simonaire**
Introduced and read first time: January 22, 2010
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **School Bus Seat Belt Corrective Language Act**

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; and generally relating to seat belts on
10 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 (2009 Replacement Volume and 2009 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 22–412.1
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2009 Supplement)

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

23 **Article – Transportation**

24 11–154.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

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

6 (2) Is either:

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

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

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

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

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

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

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

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

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

27 11-173.

28 (a) "Type I school vehicle" means a school vehicle that:

29 (1) Is designed and constructed to carry passengers;

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

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

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

6 22-412.1.

7 Every motor vehicle that is used by nursery schools, camps, day nurseries, or
8 day care centers for children with an intellectual disability to transport children [and
9 that is not regulated as a “school bus” under this article,] shall be equipped with seat
10 belts for each seat and shall be subject to any other regulations adopted by the
11 Administration, **UNLESS THE MOTOR VEHICLE:**

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2010.