

Department of Legislative Services  
2011 Session

FISCAL AND POLICY NOTE

House Bill 73 (Delegate Walker)  
Environmental Matters

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

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This bill prohibits a person responsible for pupils on a school bus from allowing any pupils to sit on the floor of a school bus or to stand while the bus is in motion. However, the prohibition on permitting a pupil to stand while the bus is in motion does not apply during the first 10 days of a school year or in a specified emergency. A violator is guilty of a misdemeanor and subject to a maximum \$100 fine; however, a violation is not considered a moving violation for the purpose of assessing points against a driver's license.

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**Fiscal Summary**

**State Effect:** Potential minimal general fund revenue increase due to the application of penalties (maximum \$100 fine). No effect on expenditures.

**Local Effect:** Local school systems can handle any changes to school bus transportation policies with existing resources. If a local school system chooses to reimburse an individual who receives a fine, local school system expenditures may increase minimally. Revenues are not affected.

**Small Business Effect:** Potential minimal. If a school bus contractor chooses to reimburse an individual who receives a fine, the contractor's expenditures may increase minimally.

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## 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. "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 due to 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.

The Maryland State Department of Education (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. The bill's exception provisions address all

three overcrowding situations. MSDE reports that no local school systems should be currently allowing students to stand while the bus is in motion because all buses should be routed so that all students are seated.

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### **Additional Information**

**Prior Introductions:** Similar bills were introduced in the 2010 and 2009 sessions. HB 1428 of 2010 and HB 934 of 2009 received unfavorable reports from the House Environmental Matters Committee; their cross files, SB 727 of 2010 and SB 754 of 2009, received unfavorable reports from the Senate Judicial Proceedings Committee.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Maryland Department of Transportation, Judiciary, Allegany and Harford counties, National Highway Safety Administration, National Association of State Directors of Pupil Transportation Services, Department of Legislative Services

**Fiscal Note History:** First Reader - February 1, 2011  
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