

This draft would re-introduce language adopted in House Bill 72 in 2021 that is set to expire in 2026, to avoid concerns of lapse in authority to utilize small vehicles. It establishes requirements for alternative school vehicles within statute (as opposed to within COMAR where they currently live), codifies requirements for vehicle and driver requirements that make sense for a person driving their own vehicle, and amends the authority of the Department of Education to only draft regulations for driver disqualifications for criminal conduct and driving records.

All black underlined text is current law that was previously added by the text of House Bill 72. Red text indicates new text.

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BY repealing and reenacting, without amendments, Article –
Education

Section 6-113.2(a)(1) and (3)
Annotated Code of Maryland

BY repealing and reenacting, with amendments, Article –
Education

Section 7-801
Annotated Code of Maryland

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

Article – Education

6-113.2.

(a) (1) In this section the following words have the meanings indicated.

(3) (i) “Contracting agency” means an entity that contracts with a county board or nonpublic school to provide a service to a school or the students of a school.

(ii) “CONTRACTING AGENCY” INCLUDES AN ENTITY THAT PROVIDES TRANSPORTATION TO AND FROM A SCHOOL USING A VEHICLE OTHER THAN A TYPE I OR TYPE II SCHOOL VEHICLE, IN ACCORDANCE WITH § 7-801 OF THIS ARTICLE.

7-801.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Nonpublic school” means an elementary or secondary school [in Calvert County that does not receive State aid] IN THE STATE THAT IS NOT PART OF THE PUBLIC ELEMENTARY AND SECONDARY EDUCATION SYSTEM OF THIS STATE.

(ii) "NONPUBLIC SCHOOL" INCLUDES AN ELEMENTARY OR SECONDARY SCHOOL IN CALVERT COUNTY THAT DOES NOT RECEIVE STATE AID.

(3) "Public school bus" includes any other conveyance used to transport students to a public school.

(4) "ALTERNATIVE SCHOOL VEHICLE" INCLUDES A VEHICLE THAT IS USED TO TRANSPORT PUPILS FROM HOME TO SCHOOL OR SCHOOL TO HOME AS WELL AS TO AND FROM SCHOOL RELATED ACTIVITIES THAT IS NEITHER A TYPE I NOR A TYPE II SCHOOL VEHICLE AS STATED IN TRANSPORTATION ARTICLE, § 11-154, ANNOTATED CODE OF MARYLAND.

(b) (1) At its own expense, a county governing body may provide transportation for public school students in addition to the transportation provided by the State.

(2) In Montgomery County, a fee may not be charged for transporting public school students to school from their designated bus stop locations or from school to their designated bus stop locations.

(c) (1) A COUNTY BOARD MAY PROVIDE TRANSPORTATION TO AND FROM SCHOOL USING A VEHICLE OTHER THAN A TYPE I OR TYPE II SCHOOL VEHICLE, AS DEFINED IN § 11-154 OF THE TRANSPORTATION ARTICLE, WHEN A SCHOOL VEHICLE CANNOT REASONABLY BE PROVIDED FOR THE FOLLOWING PUBLIC SCHOOL STUDENTS:

(i) PRESCHOOL-AGE STUDENTS;

(ii) STUDENTS WITH DISABILITIES;

(iii) HOMELESS YOUTH;

(iv) CHILDREN IN FOSTER CARE;

(v) STUDENTS WITHOUT ACCESS TO SCHOOL BUSES;

(vi) STUDENTS IN A NONPUBLIC SCHOOL PLACEMENT; OR

(I) STUDENTS IN DUAL ENROLLMENT PROGRAMS, WORK PROGRAMS, OR OTHER EDUCATIONAL PROGRAMS BASED OFF THE SCHOOL CAMPUS.

(2) A COUNTY BOARD MAY PROVIDE TRANSPORTATION IN ACCORDANCE WITH THIS SUBSECTION TO A PARTICULAR STUDENT GROUP THAT IS NOT LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION THROUGH A WRITTEN DETERMINATION BY THE COUNTY BOARD.

(3) ALTERNATIVE SCHOOL VEHICLES PURSUANT TO THIS SECTION SHALL:

(I) HAVE A SEATING CAPACITY OF NO MORE THAN TEN PASSENGERS NOT INCLUDING THE DRIVER.

(II) UNDERGO AN ANNUAL INSPECTION. A VEHICLE INSPECTION PERFORMED PURSUANT TO A PUBLIC SERVICE COMMISSION'S REQUIREMENT SHALL SATISFY THIS REQUIREMENT.

(4) DRIVERS OF ALTERNATIVE SCHOOL VEHICLES SHALL:

(I) MEET ALL LICENSING REQUIREMENTS OF THE MOTOR VEHICLE ADMINISTRATION FOR A CLASS A OR CLASS M VEHICLE RESPECTIVELY;

(II) HAVE NOT MORE THAN TWO CURRENT POINTS ON THE INDIVIDUAL'S DRIVING RECORD;

(III) BE 21 YEARS OLD OR OLDER;

(IV) BE IN GOOD HEALTH, MATURE, ABLE TO DISCHARGE THE DUTIES OF THE POSITION, AND ABLE TO COMMAND THE RESPECT OF OTHERS;

(V) RECEIVE A NEGATIVE CONTROLLED SUBSTANCE TEST RESULT;

(VI) BE ENROLLED IN A DRIVER RECORD MONITORING SYSTEM;AND

(VII) COMPLETE TRAINING THAT COVERS DEFENSIVE DRIVING, SPECIAL CONSIDERATIONS FOR TRANSPORTING YOUTH WITH DISABILITIES, EMERGENCY PREPAREDNESS, SAFE PICK-UP AND DROP-OFF PROCEDURES, AND LAWS ON PROPER CHILD RESTRAINT SYSTEMS.

(5) THE DEPARTMENT, IN CONSULTATION WITH COUNTY BOARDS AND THE MOTOR VEHICLE ADMINISTRATION, SHALL ADOPT REGULATIONS ESTABLISHING CRIMINAL CONDUCT AND DRIVING RECORD DISQUALIFICATIONS [MINIMUM VEHICLE AND DRIVER SAFETY STANDARDS] FOR ALTERNATIVE SCHOOL VEHICLE DRIVERS [TRANSPORTATION PROVIDED] IN ACCORDANCE WITH THIS SUBSECTION.

(D) (1) Subject to the requirements of paragraph (2) of this subsection, in Calvert County the county board may provide transportation to and from school on a public school bus for a student who attends a nonpublic school.

(2) Transportation offered by the Calvert County Board under this section shall be offered to a student attending a nonpublic school:

(i) If there is sufficient capacity on the school bus;

(ii) If the student resides on, along, or near a public highway in the county on which a public school bus or conveyance operates;

(iii) If the student resides in the public school transportation district served by the public school bus;

(iv) Only on the routes, school days, and hours of transportation that coincide with the routes, school days, and hours of transportation for students attending public schools in the county; and

(v) In the case of a student who attends a nonpublic school that is not on the public school bus route, only to the public school on the route which is nearest to the nonpublic school.

(3) The Calvert County Board is not responsible for the safety of any nonpublic school student who is transported on a public school bus under this subsection after the student is discharged from the public school bus, and the board may not be held liable in any civil action arising from an act or omission that occurs after the student is discharged from the public school bus.

SECTION 2. BE IT FURTHER ENACTED, That this Act shall take effect upon passage. The Department shall adopt regulations required pursuant to this Act no later than 90 days upon enactment.