

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date December 11, 1975

To Lt. Col. Allan H. Weeks Dept. State Police, Public Safety
From Peter J. Goranites, Ass't A.G. Dept. Attorney General
Subject Seating on School Buses

SYLLABUS:

School buses must provide a minimum of 13 inches of seating space per child who is actually being transported on the school bus.

FACTS:

Law enforcement officers who inspect school buses find students sitting on the edges of seats with less than 13 inches seating space. School authorities claim the seating capacity of a bus is not exceeded as long as the number of students on the bus does not exceed the total seating inches divided by 13. In addition, some school authorities claim that since some children require less than 13 inches, the alleged space saved by these smaller children can be used in determining whether the remaining children have the required 13 inches or more of seating space.

QUESTION AND ANSWER:

Does 29 M.R.S.A. §2014(1) require that each child who is seated in a school bus be provided a minimum of 13 inches seating space? Yes.

REASONS:

29 M.R.S.A. §2014(1) reads as follows:

(1). Seating. No vehicle shall be operated as a school bus unless a minimum of 13 inches of seating space is provided for each child and there shall be no auxiliary seating accommodations such as temporary or folding jump seats. Effective September 1, 1977 seating shall be provided that will permit each occupant to sit in a plain lateral location."
(Emphasis added)

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This statutory provision specifically prohibits any vehicle from being used as a school bus unless "a minimum of 13 inches of seating space is provided for each child." The language is clear on its face: each child who is transported on a school bus must be provided a minimum of 13 inches of seating space, or a greater seating space if a child requires it. In arriving at a total seating capacity for a school bus, it is inadequate to simply divide the total seating space by 13 and arrive at the seating capacity. Such a seating capacity would not take into consideration children who are in the school bus and who require more than 13 inches of seating space. In addition, the statute requires that each child transported be provided a minimum of 13 inches of seating space. Even though a child may not use the entire space allowed, nonetheless the 13 inches must be provided.

PJG/rh