

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1053

S.P. 422

In Senate, March 7, 2023

An Act to Allow School Activity Buses for Public Schools

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Representative LEE of Auburn and
Senator: LIBBY of Cumberland, Representatives: BOYER of Poland, LIBBY of Auburn,
SAMPSON of Alfred, SHAW of Auburn.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRSA §2301, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and
3 affected by Pt. B, §5, is amended to read:

4 **2. ~~Private school~~ School activity bus.** "~~Private school~~ School activity bus" means a
5 ~~privately owned~~ motor vehicle with a carrying capacity of 10 to 15 passengers that ~~is not~~
6 ~~operated with public funds and that~~ is used by a public or private school to transport
7 students other than to and from home and school.

8 **Sec. 2. 29-A MRSA §2301, sub-§5-A**, as enacted by PL 2007, c. 383, §25, is
9 amended to read:

10 **5-A. School bus CMV.** "School bus CMV" means a commercial motor vehicle used
11 to transport preprimary, primary or secondary school students from home to school, from
12 school to home or to and from school-sponsored events. "School bus CMV" does not
13 include a bus used as a common carrier or a ~~private~~ school activity bus.

14 **Sec. 3. 29-A MRSA §2301, sub-§5-B**, as enacted by PL 2007, c. 383, §26, is
15 amended to read:

16 **5-B. School bus non-CMV.** "School bus non-CMV" means a noncommercial motor
17 vehicle designed to carry more than 10 passengers, including the driver, but less than 16
18 passengers, including the driver, and used to transport students from home to school, from
19 school to home or to and from school-related events. "School bus non-CMV" does not
20 include a private motor vehicle used to transport members of the owner's household or a
21 ~~private~~ school activity bus.

22 **Sec. 4. 29-A MRSA §2309**, as repealed and replaced by PL 2003, c. 293, §3, is
23 amended to read:

24 **§2309. Exemptions**

25 The following, except for allowable alternative vehicles and school buses, are exempt
26 from this subchapter:

27 **1. Vehicle used by day care facility.** A vehicle designed to carry 15 or fewer
28 passengers, including the driver, used to transport children by a day care facility, except
29 when transporting children to and from school; ~~and~~

30 **2. Vehicle used for transportation to nonschool-based Head Start facility.** Until
31 January 1, 2006 a vehicle designed to carry 15 or fewer passengers, including the driver,
32 used to transport children to a nonschool-based Head Start facility if the vehicle was placed
33 in service prior to October 1, 2003; and

34 **3. School activity bus.** A school activity bus.

35 **Sec. 5. 29-A MRSA §2452, sub-§1**, as amended by PL 2013, c. 484, §3, is further
36 amended to read:

37 **1. Permanent revocation.** Permanently revoke the school bus operator endorsement
38 of any person convicted of OUI who operated a school bus, ~~private~~ school activity bus or
39 multifunction school activity bus, as defined in section 2301, during the commission of the
40 offense;

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SUMMARY

This bill allows public schools to use school activity buses, which are vehicles that have a capacity of 10 to 15 passengers and are used to transport students other than to and from home and school and that are exempt from school bus requirements. Current law allows only private schools to use school activity buses.