

## **APPENDIX A: SIGNIFICANT STATUTES & REGULATIONS**

### **Chapter 90 Sec. 7D. Motor Vehicle Used For Transportation Of School Children; Application Of Section 7B.**

The requirements of clauses (1), (2), (3), (5), (7), (8), (9), (10), (13) and (16) of section seven B shall apply to any motor vehicle carrying not more than eight passengers in addition to the operator, used in the business of transporting school pupils for hire under terms of contract or otherwise, while so used, but not including any motor vehicle used for not more than five days in case of emergency; provided, however, the eight lamp system, so-called, required on certain motor vehicles in clause (7) of said section seven B shall not apply to vehicles specified in this section. In addition, each such vehicle shall be required to be equipped with one pair of adequate chock blocks, a fire extinguisher, three flares in compliance with United States Motor Vehicle D.O.T. Safety Standard No. 125, which shall be placed upon the roadway in conformance with section fourteen B of chapter eighty-five when such vehicle becomes disabled upon the traveled portion of any way, and seat belts for each permanent seating accommodation designed and installed in compliance with applicable United States Motor Vehicle Safety Standards. No person shall operate a motor vehicle referred to in this section, nor knowingly allow any passenger to ride in such vehicle unless the operator and all passengers are wearing a safety belt which is properly adjusted and fastened. All such motor vehicles used to transport school pupils under the provisions of this section shall display the distinctive number plate as authorized by section two.

The provisions of this section, excluding the seatbelt requirement, shall not apply to the transportation of school pupils in vehicles not exceeding fourteen passengers in addition to the operator which is provided (a) by an operator who is uncompensated for his or her service and is either a parent and one adult (monitor) of one of the passengers or is a person chosen by the parents of all the passengers; or (b) for activities related to a private school, day care center, camp, school-age child care program, or a special needs program as defined by section one of chapter seventy-one B, who would not be picked up or discharged on a fixed route, provided, that for the purpose of this section, the term fixed route shall be defined as the transportation of a school pupil on a pre-determined daily basis to and from a set location, for the length of the pupils\* school year, provided the operator is a person whose primary relationship to the passenger is that of teacher, coach, director, or caregiver, and not as an operator. Such vehicles shall not be considered school buses, school pupil transport vehicles or livery vehicles and shall be registered as private passenger motor vehicles. (Repealed and added by L.1996, chap. 151(235), eff. 7/1/96.)

\*So in original. Probably should be "pupil's".

## **Chapter 90 Sec. 7D<sup>1</sup>/<sub>2</sub>. Motor Vehicle Used For Transportation Of Vocational School Students; Application Of Section 7B**

The requirements of clauses (1), (3), (5), (8), (9), (10), (13), (15), and (16) of section seven B shall apply to any motor vehicle used to transport vocational school students participating in a work project to and from the work site and having permanent seating accommodations for not more than fourteen persons in addition to the operator. In addition, each such vehicle shall be required:

- (1) To provide adequate space for the secured and affixed storage of all tools, equipment and materials to be transported;
- (2) To be operated by a person eighteen years of age or over who has had at least three years of licensed driving experience and who is duly licensed by his state of residence for operation of the class of vehicle being operated and has said license in his possession;  
(Chgd. by L.1989, chap. 221(2), eff. 10/9/89.)
- (3) To be equipped with one pair of adequate chock blocks and three flares in compliance with United States motor vehicle D.O.T. Safety Standards No. 125 which shall be placed upon the roadway in compliance with section fourteen B of chapter eighty-five when such vehicle becomes disabled upon the traveled portion of any street or highway; and
- (4) To be equipped with a seat belt for each permanent seating accommodation designed and installed in compliance with United States motor vehicle D.O.T. safety standards, which seat belt shall be fastened about each passenger at all times during vehicle operation.

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**Chap 90 §7B. Equipment of school buses. Clauses (1), (2), (3), (5), (7), (8), (9), (10), (13), (16)**

No person shall operate any school bus, and the owner or custodian of a school bus shall not permit the same to be operated upon or to remain upon any way, unless the following requirements are complied with:

- (1) The words "SCHOOL BUS" shall be painted or otherwise displayed on the front and rear of each such vehicle in black letters of eight inches in height and conform to series "B" of the standard alphabets for highway signs on a National School Bus Yellow background, or shall be so painted upon signs attached to the front and rear of each vehicle. School buses being operated on a public highway and transporting primarily passengers other than school pupils shall have the words "SCHOOL BUS" covered, removed, or otherwise concealed, and stop arms and equipment required by clauses (7) and (11) shall not be activated during the transportation of such passengers;
- (2) The operator of a school bus shall not allow the number of school pupils riding in the bus at any one time to exceed the number of adequate thirteen inch seats therein nor shall the operator drive said bus until each pupil is seated; provided however, that any such bus, in which adequate straps, handles or other supports are available for standing passengers, may carry not more than three standees in any case of an emergency for a period not to exceed five consecutive school days;
- (3) All doors shall be kept closed while the bus is in motion;
- (5) No fueling shall take place while any school bus is occupied by passengers;
- (7) Each school bus shall be equipped with Type I Class A turn signal lamps, which shall have a four-way hazard warning signal switch to cause simultaneous flashing of the turn signal lamps which may be activated when a bus is approaching a stop to load or discharge school pupils and when needed as a vehicular traffic hazard warning. Each school bus shall also be equipped with front and rear alternating flashing school bus red signal lamps, which shall remain flashing when school pupils are entering or leaving the bus. School buses manufactured with a chassis of nineteen hundred and eighty-four model year and thereafter shall be equipped with the eight-lamp system, so-called, which, in addition to the aforementioned lamps, shall include alternating flashing amber signal lamps of the same size as, and placed adjacent to, said red signal lamps, and which shall be activated when said bus is approaching a stop to load or discharge school pupils. On buses equipped with the eight-lamp system, so-called, the use of the four-way hazard warning lamps for the purpose of warning motorists of the vehicle's impending stop to load or discharge school pupils shall be discontinued. Use of alternating flashing school bus red signal lamps for any other purpose, and at any time other than when the school bus is stopped to load or discharge school pupils, shall be prohibited. All aforementioned lamps shall comply with applicable Federal Motor Vehicle Safety Standards and any applicable rules and regulations promulgated by the registrar. The operator of a school bus shall cause its headlamps to be illuminated while such bus is in operation. Any person who operates such a bus shall not permit the boarding or discharging of school pupils therefrom unless the school bus is stopped as close as is practicable to the right-hand side or edge of the ways and shall announce when discharging passengers therefrom that all persons who wish to cross to the other side of the way shall do so by passing in front of the bus immediately upon alighting therefrom. No person shall operate a school bus on a way after discharging passengers therefrom unless all persons who wish to cross to the other side have done so;

- (8) Every school bus shall be equipped with a safety belt for the operator thereof, and said operator shall securely fasten said seat belt while transporting school pupils;
- (9) Every school bus shall be equipped with two operable front windshield wipers;
- (10) No person shall smoke or consume alcoholic beverages on a school bus while such bus is being used to transport school pupils;
- (13) Every school bus shall be equipped with a first-aid kit;
- (16) School bus drivers shall be required to perform daily pretrip inspections of their buses and to report promptly in writing to their employer any defects or deficiencies discovered that may affect the safety of the vehicle's operation or result in its mechanical breakdown.

Pretrip inspection and condition reports for school buses shall be performed in accordance with regulations established by the registrar and the commissioner of telecommunications and energy.

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**Chapter 90 Sec. 8A½. Licenses; Applications**

Every operator transporting school pupils under the provisions of section seven D shall make application to the registrar within ninety days of their next birth date for a license to operate such motor vehicles. Application for such license may be made by any person who shall have attained the age of twenty-one years, but has not passed his seventieth birthday, except as otherwise provided herein and who shall have been a duly licensed motor vehicle operator for a period of three continuous years immediately prior to his application, except a person who has been duly licensed and whose license is not in force because of revocation or suspension or whose right to operate is suspended by the registrar, but before such a person shall be so licensed the registrar shall be satisfied that he is of good moral character and has successfully completed a written test, a visual test, and a physical examination in conformity with such minimum physical qualifications as shall be determined by the registrar; provided, however, that a person who has passed his seventieth birthday and is mentally and physically capable of operating motor vehicles transporting school children shall be eligible for a license under this section. Such person shall twice annually, at his own expense, be examined by a physician to determine such capability. No license shall be issued to a person who has been convicted of the crime of rape, unnatural act, sodomy, or the use, sale, manufacture, distribution, possession with intent to distribute, or trafficking of any of the controlled substances which are unlawful under the provisions of section thirty-one of chapter ninety-four C, or to any person who has been convicted of operating a motor vehicle while under the influence of intoxicating liquor, or of marijuana, narcotic drugs, depressants or stimulant substances, as defined in section one of said chapter ninety-four C or the vapors of glue within the preceding five year period under the provisions of section twenty-four. Any person who consents to have any such case disposed of under the provisions of section twenty-four D shall for the purpose of this section be deemed to be convicted. (Chgd. by L.1988, chap. 257(2), eff. 9/12/88.)

On or after January first, nineteen hundred and eighty-eight, every person transporting school pupils as specified in this section shall be duly licensed in accordance with the provisions of this section; provided, however, that in case of any emergency such vehicle may, for a period not to exceed three consecutive school days, be operated by any person, twenty-one years of age or over, who is duly licensed by the registrar and has in his possession a valid Massachusetts operator's license; and provided further a person who is duly licensed by the registrar in accordance with the provisions of section eight A or the department of telecommunications and energy may operate such vehicles without obtaining a license under this section. (Chgd. by L.1997, chap. 164(91), eff. 11/25/97.)

Any such license issued under the provisions of this section shall be valid for a period of twelve months from the date of issue. Upon application for renewal of such license the registrar shall require evidence of continuing good character and physical condition.

The registrar may suspend or revoke any license granted under authority of this section for a violation of any of the provisions of this chapter, or on other reasonable grounds or where, in his opinion, the licensee is either physically or mentally unfit to retain the same.

The registrar may make such rules and regulations as he may deem necessary to carry out the provisions of this section. Each original application shall be accompanied by an application fee which in no event shall be refunded. The application fee and an annual fee to maintain said license shall be determined by the commissioner of administration under the provision of section three B of chapter seven. (Added by L.1986, chap. 683, eff. 1/7/87.)

## **Chapter 90 Sec. 13A. Use Of Safety Belts; Provisions And Exceptions**

No person shall operate a private passenger motor vehicle or ride in a private passenger motor vehicle, a vanpool vehicle or truck under eighteen thousand pounds on any way unless such person is wearing a safety belt which is properly adjusted and fastened; provided, however, that this provision shall not apply to:

- (a) any child less than twelve years of age who is subject to the provisions of section seven AA;
- (b) any person riding in a motor vehicle manufactured before July first, nineteen hundred and sixty-six;
- (c) any person who is physically unable to use safety belts; provided, however, that such condition is duly certified by a physician who shall state the nature of the handicap, as well as the reasons such restraint is inappropriate; provided, further, that no such physician shall be subject to liability in any civil action for the issuance or for the failure to issue such certificate;
- (d) any rural carrier of the United States Postal Service operating a motor vehicle while in the performance of his duties; provided, however, that such rural mail carrier shall be subject to department regulations regarding the use of safety belts or occupant crash protection devices;
- (e) anyone involved in the operation of taxis, liveries, tractors, trucks with gross weight of eighteen thousand pounds or over, buses, and passengers of authorized emergency vehicles.

Any person who operates a motor vehicle without a safety belt, and any person sixteen years of age or over who rides as a passenger in a motor vehicle without wearing a safety belt in violation of this section, shall be subject to a fine of twenty-five dollars. Any operator of a motor vehicle shall be subject to an additional fine of twenty-five dollars for each person under the age of sixteen and no younger than twelve who is a passenger in said motor vehicle and not wearing a safety belt. The provisions of this section shall be enforced by law enforcement agencies only when an operator of a motor vehicle has been stopped for a violation of the motor vehicle laws or some other offense.

Any person who receives a citation for violating this section may contest such citation pursuant to section three of chapter ninety C. A violation of this section shall not be considered as a conviction of a moving violation of the motor vehicle laws for the purpose of determining surcharges on motor vehicle premiums pursuant to section one hundred and thirteen B of chapter one hundred and seventy-five.

(Added by L.1993, chap. 387(1), eff. 2/1/94.)

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**Chapter 90 Sec. 7AA. Children As Passengers In Motor Vehicles**

No child under age five and no child weighing forty pounds or less shall ride as a passenger in a motor vehicle on any way unless such child is properly fastened and secured, according to the manufacturer's instructions, by a child passenger restraint as defined in section one.

No child who is five years of age or older, but not older than twelve years of age, shall ride as a passenger in a motor vehicle on any way unless such child is wearing a safety belt which is properly adjusted and fastened according to the manufacturer's instructions.

The provisions of this section shall not apply to any such child who is: (1) riding as a passenger in a school bus; (2) riding as a passenger in a motor vehicle made before July first, nineteen hundred and sixty-six, that is not equipped with safety belts; (3) physically unable to use either a conventional child passenger restraint or a child restraint specifically designed for children with special needs; provided, however, that such condition is duly certified in writing by a physician who shall state the nature of the disability as well as the reasons such restraints are inappropriate; provided, further, that no such certifying physician shall be subject to liability in a civil action for the issuance of or for the failure to issue such certificate. An operator of a motor vehicle who violates the provisions of this section shall be subject to a fine of not more than twenty-five dollars; provided, however, that said twenty-five dollar fine shall not apply to an operator of a motor vehicle licensed as a taxi cab not equipped with a child passenger restraint device.

A violation of this section shall not be used as evidence of contributory negligence in any civil action.

A person who receives a citation for a violation of any of the provisions of this section may contest such citation pursuant to section three of chapter ninety C. A violation of this section shall not be deemed to be a conviction of a moving violation of the motor vehicle laws for the purpose of determining surcharges on motor vehicle premiums pursuant to section one hundred and thirteen B of chapter one hundred and seventy-five.

(Repealed and added by L.1996, chap. 470, eff. 4/9/97.)

**Chapter 90 Sec. 7CC. Transporting Special Needs Children**

Every person or company contracting to transport by motor vehicle one or more special needs children who are enrolled in a public or private school shall conspicuously display, in lettering, not less than four inches square, on such motor vehicle the name and address of the owner thereof. Whoever violates the provisions of this section shall be punished by a fine of one hundred dollars.

## **540 CMR 21.00. SEMI-ANNUAL SAFETY INSPECTION OF SCHOOL PUPIL TRANSPORT VEHICLES**

### **Sec. 21.01. Purpose, Scope And Applicability**

540 CMR 21.00 is adopted by the Registrar of Motor Vehicles pursuant to M.G.L. c. 90, Sec. 7A and 31, to establish rules and regulations for the semiannual safety inspection of school pupil transportation vehicles under M.G.L. c. 90, Sec. 7D, ("7D vehicle") to be performed by licensed Safety Inspection Stations.

### **Sec. 21.02. General Inspection Procedures**

- (1) All inspections shall be performed in accordance with 540 CMR 21.00 by a Safety Inspection Station licensed by the Registry of Motor Vehicles.
- (2) Before beginning the inspection, the Inspector shall:
  - (a) complete a 7D vehicle inspection report form and remove the old 7D vehicle sticker;
  - (b) verify the registration, vin number, date of expiration, school pupil plate which must be displayed pursuant to M.G.L. c. 90, Sec. 2, and annual certificate of inspection. If the certificate of inspection is missing or invalid, the vehicle shall be rejected (R). If there are any errors on the certificate of inspection, a defect\* equipment card (E.Q.) shall be issued.

\*So in original. Probably should be "defective".

- (3) After the inspection is completed, the Inspector shall issue:
  - (a) a Certificate of Inspection if the vehicle is found to be in compliance with the requirements of 540 CMR 21.00; or
  - (b) a Certificate of Rejection for any safety-related defects as identified in 540 CMR 21.03, and for any exigent condition which, in the opinion of the Inspector, may jeopardize the public safety whether or not specified in 540 CMR 21.03; or
  - (c) A Defective Equipment Card for all minor, non-safety related defects. To prevent further enforcement action by the Registry of Motor Vehicles, the owner or person in control of a vehicle for which a Defective Equipment Card is issued must have the noted defects corrected immediately, and must complete and return the Defective Equipment Card to the Registry within seven days in accordance with the instructions on the Card.

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**Sec. 21.03. Vehicle Inspection Procedures**

- (1) The Inspector shall reject, and issue a Certificate of Rejection for, any vehicle that fails to satisfy any one of the following requirements:
  - (a) Floor. The vehicle floor shall be free of any holes or tears that may allow toxic exhaust fumes to enter the passenger compartment.
  - (b) Brakes.
    1. The parking brake shall be tested by accelerating the motor to approximately 1200 to 1300 RPM's with the vehicle in the lowest forward gear against the brake in the applied position, and shall be found to hold the vehicle.
    2. The service brake shall be tested at a speed between four and eight m.p.h. and shall be found to be reasonably equalized so that the vehicle does not pull noticeably to either side when applied; and, with the first application of the service brake pedal, to not travel more than 50% of the total distance the brake pedal can travel. In all questionable cases, service brakes shall be adequate to stop the vehicle while traveling at a speed of 20 m.p.h. in not more than the distance of 30 feet. Any vacuum assisted system for service brakes shall be in good working order.
  - (c) Seatbelts. The vehicle shall be equipped with a seat belt for each permanent seating accommodation, in good working order, and in compliance with the United States Department of Transportation's Safety Standard.
  - (d) Window Tinting. Any window tinting shall comply with 540 CMR 4.04.
  - (e) Side Doors and Rear Doors. The vehicle shall have, in good working order, an emergency door buzzer or warning device to indicate when door is open.
  - (f) School Bus Signs, Alternating Flashing Red Signal Lamps and Actuation. The vehicle shall comply with all applicable provisions of 49 CFR 571.108.
  - (g) Windshield. The windshield shall be free of any of the following defects:
    1. any broken glass with sharp or jagged edges inside or outside;
    2. any stone bruise, star break, or bull's eye damage in excess of one inch in diameter within the area covered by the sweep of the vehicle's wipers provided by the vehicle's manufacturer ("the critical viewing area") or larger than two inches outside the critical viewing area, or multiple such damage;
    3. any single line crack which extends more than three inches into the critical viewing area;
    4. multiple cracks one or more which extends into the critical viewing area;
    5. any wiper scrapes in excess of ¼ inch wide within the critical viewing area;
    6. any clouding extending more than three inches within perimeter of the exposed glass;
    7. any poster, sticker, decal, or similar object, attached to the windshield in such a manner as to obstruct the vision of the operator.

- (h) Windshield Wipers. The windshield wipers shall be in good working order.
- (i) Steering Box. The steering box shall be tested by turning the steering wheel until motion is detected at the front wheels, with the engine running if the vehicle is equipped with power steering, and found to have play not to exceed two inches on a steering wheel up to a diameter of 18 inches or 2½ inches on a steering wheel with a diameter in excess of 18 inches.
- (j) Horn. The horn shall be securely fastened to the vehicle, and provide adequate signal.
- (k) Turn Signals. The turn signals shall be in good working order.
- (l) Emergency Four-Way Flashers. The emergency flasher shall be in good working order.
- (m) Ignition Lock. The ignition lock shall be in good working order.
- (n) Interior of Vehicle. All panels and seats shall be free of holes and tears larger than two inches. The vehicle interior shall be free of any sharp or protruding objects or defects.
- (o) Fluid. The vehicle shall be free of any fluid leaks or seepage:
  - 1. in the brake or fuel system;
  - 2. that may be a source of combustion;
  - 3. that may come in contact with brake pads, linings, or exhaust system.
- (p) Headlamps. The headlamps shall be properly aligned and securely mounted.
- (q) Tires. The tires shall conform to the following standards:
  - 1. All tires shall be free of any fabric break or cut in excess of one inch, any bulge, bump or knot related to the deterioration of the tire structure or any ply or cord structure which is visible;
  - 2. All tires shall have tread depth of at least 2/32nds of an inch in any re-cut, re-grooved, siped, or original tread groove, when measured with a tire depth gauge in a major tread groove nearest the tire center at two points, 15 inches apart, on the circumference.
  - 3. No studded tires shall be used between May 1 and November 1, unless approved by the Registrar of Motor Vehicles.
  - 4. No vehicle shall have radial tires on the same axle with non-radial tires, or radial tires on the front axle with non-radial tires on the rear axle, with the exception that vehicles equipped with dual rear tires may have radial or non-radial on any axle, provided they are not intermixed on the same axle.
- (r) Wheels. Wheels shall not be missing, bent, cracked, have broken tire rims, broken studs or missing nuts.
- (s) Front End. Both sides of all vehicles shall be raised and all ball joints, tie rod ends, drag links, pitman arm, idler arm, and king pins shall be visually or manually examined and found not to be excessively worn.
- (t) Muffler and Exhaust System. The muffler and exhaust system shall be tested by accelerating the motor, and shall be found to prevent unnecessary noise and emission of any unreasonable amount of smoke. The exhaust system, exhaust manifolds, exhaust pipes, mufflers and tail pipe shall be free of leaks. Systems components shall be securely fastened with fasteners in place and undamaged. All motor vehicle exhaust systems shall discharge the exhaust beyond the operator, passenger and or trunk compartment.
- (u) Fuel Tank. The fuel tank shall not leak and shall be securely attached to the vehicle's body or chassis.
- (v) Springs. All springs shall be in good condition. The main leaf shall not be broken or have more than one broken leaf per spring. The center bolt shall not be broken. Spring shackle and U-bolts must maintain proper axle alignment.

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- (w) Tail Lights. The vehicle shall be equipped with two tail lights and two stop lights mounted at each side of the rear of the vehicle, provided both functions may be combined on a single tail lamp, one at each side.
- (x) Bumpers. All bumpers as originally equipped by the manufacturer shall be securely mounted in place and shall not be bent, broken or twisted or have any sharp edges or protrusions.
- (y) Hood, Doors, and Compartment Lids. The hood and all doors and compartment lids shall open and close properly and be capable of being firmly latched.
- (z) Fenders (front and rear). All fenders shall be securely mounted in place, and shall not be bent or broken. The exterior sheet metal or moldings shall be free of sharp edges or abnormal protrusions extending beyond normal vehicle extremities. Any vehicle whose tires extend beyond the fender or body shall be equipped with flaps or other suitable guards to reduce spray or splash to the rear and side.
- (aa) Additional Required Equipment. The vehicle shall carry a first aid kit, chock blocks, a fire extinguisher, and flares in compliance with the United States Motor Vehicle Department of Transportation Safety Standard and Underwriters Laboratories, Inc., No. 125.
- (2) The Inspector shall issue a Defective Equipment Card for any vehicle that fails to satisfy any one of the following requirements:
- (a) Speedometer. The speedometer shall be in good working order.
  - (b) Sun Visor and Rear View Mirror. The sun visor and rear view mirror shall be in good condition.
  - (c) Windows. In addition to the requirements for the windshield, all windows shall be free of broken glass, cracks, or any condition that may constitute a hazard.
  - (d) Defroster and Heater. The defroster and heater shall be in good working order.
  - (e) Interior Lights. All interior lights shall be in good working order to illuminate the interior of the vehicle.
  - (f) Instruments, Lamps, and Gauges. All instruments, lamps and gauges shall be in good working order.
  - (g) Power train, cooling system or steering system. The power train, cooling system and steering system shall be free of any fluid leaks or seepage.
  - (h) Battery. The battery shall be securely mounted in a carrier and free of excessive terminal corrosion (bungy\* straps are not acceptable as tie downs).
  - (i) Belts (Alternator/Power steering). Belts shall not be loose and shall be in good condition. Adjustment shall be tested by turning the drive pulley, which should not turn by hand. If the vehicle is equipped with a serpentine belt, a visual inspection shall be performed for the presence of cracks or chaffing, and to check alignment.
  - (j) Mirrors. Mirrors shall be in good condition and mounted one on each side of the vehicle with a clear view to the rear.
  - (k) Side Marker Lamps. The side marker lamps shall be as installed by the manufacturer, and in good working order.
  - (l) Shock Absorbers. The vehicle shall have two shock absorbers in the front and two in the rear, and they shall not be damaged, worn, broken or hanging.
- \* ***So in original. Probably should be "bungee".***

**Sec. 21.04. Inspection Dates**

School pupil transport vehicles shall undergo two inspections each year; one to be performed during the month of October or November, and the other during the month of February or March.

**REGULATORY AUTHORITY**

540 CMR 21.00: M.G.L. c. 90, Sec. Sec. 7A and 31.