

HOUSE BILL 621

Introduced by Swysgood

2/05	Introduced
2/05	Referred to Education & Cultural Resources
2/06	First Reading
2/20	Hearing
2/20	Tabled in Committee

1 House BILL NO. 621
 2 INTRODUCED BY Swartz

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE BOARD OF
 5 PUBLIC EDUCATION TO GRANT PERMISSION TO THE TRUSTEES OF A
 6 SCHOOL DISTRICT TO USE A FOUR-WHEEL DRIVE VEHICLE FOR
 7 STUDENT TRANSPORTATION UNDER CERTAIN CONDITIONS; TO PROVIDE
 8 A REIMBURSEMENT RATE; AMENDING SECTION 20-10-111, MCA; AND
 9 PROVIDING AN EFFECTIVE DATE."

10
 11 STATEMENT OF INTENT

12 A statement of intent is required for this bill because
 13 20-10-111 delegates rulemaking authority to the board of
 14 public education to promulgate rules prescribing minimum
 15 standards for four-wheel drive vehicles that are used as
 16 school buses. The standards are to relate to safety
 17 considerations and equipment requirements to ensure that
 18 four-wheel drive vehicles used as school buses provide safe
 19 transportation for students.

20 The legislature does not intend for the board of public
 21 education to adopt rules that limit the approval and use of
 22 four-wheel drive vehicles to four-wheel drive vehicles that
 23 are specifically manufactured for the purpose of
 24 transporting students to and from school.
 25

1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

2 **Section 1.** Section 20-10-111, MCA, is amended to read:

3 **"20-10-111. Duties of board of public education. (1)**

4 The board of public education, with the advice of the
 5 Montana department of justice and the superintendent of
 6 public instruction, shall adopt and enforce policies, not
 7 inconsistent with the motor vehicle laws, to provide uniform
 8 standards and regulations for the design, construction, and
 9 operation of school buses in the state of Montana. Such
 10 policies shall:

11 (a) prescribe minimum standards for the design and
 12 construction of school buses not inconsistent with:

13 (i) minimum standards adopted by the national
 14 commission on safety education; or

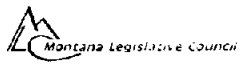
15 (ii) minimum standards adopted by the national highway
 16 safety bureau;

17 (b) prescribe standards and specifications for the
 18 lighting equipment and special warning devices to be carried
 19 by school buses in conformity with:

20 (i) current specifications approved by the society of
 21 automobile engineers;

22 (ii) motor vehicle laws; and

23 (iii) the requirement that all school buses have an
 24 alternately flashing prewarning lighting system of four
 25 amber signal lamps to be used while preparing to stop and an



1 alternately flashing warning lighting system of four red
2 signal lamps to be used while stopped in accordance with
3 61-9-402;

4 (c) establish any other driver qualifications
5 considered necessary in addition to the qualifications
6 required in 20-10-103;

7 (d) prescribe criteria for the establishment of
8 transportation service areas for school bus purposes by the
9 county transportation committee which shall allow for the
10 establishment of such areas without regard to the district
11 boundary lines within the county;

12 (e) prescribe any other criteria for the determination
13 of the residence of a pupil that may be deemed necessary in
14 addition to the criteria established in 20-10-105;

15 (f) prescribe any other policies for the operation of
16 school buses which are not inconsistent with:

17 (i) motor vehicle laws;

18 (ii) minimum standards adopted for school bus operation
19 by the national commission on safety education;

20 (iii) highway safety standards; and

21 (iv) the transportation provisions of this title;

22 (g) prescribe standards for the measurement of the
23 child seating capacity of school buses, to be known as the
24 rated capacity.

25 (2) The board of public education may grant permission

1 to the trustees of a school district to use for
2 transportation a four-wheel drive vehicle capable of
3 transporting eight passengers or fewer that meets the
4 minimum standards for these vehicles as prescribed by the
5 board of public education by rule if the vehicle will not be
6 used to transport more than eight pupils each trip.

7 (3) Whenever the board of public education grants the
8 trustees of a district permission to use a four-wheel drive
9 vehicle under the provisions of subsection (2), the
10 reimbursement rate must be based on the on-schedule rate of
11 26 cents per mile.

12 (4) The board of public education shall prescribe any
13 other policy necessary for the proper administration and
14 operation of individual transportation programs that are not
15 inconsistent with the transportation provisions of this
16 title."

17 NEW SECTION. Section 2. Effective date. (This act) is
18 effective July 1, 1991.

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