

Sub-Committee Meeting on House Bill 105
Education Committee
January 30, 1979

A meeting of the Sub-Committee on House Bill 105 was called to order at 11:00 a.m. in Room 5, of the Capitol Annex on Tuesday, January 30, 1979 by Chairman Joseph M. Magone.

Representative Danny Oberg, and Representative Robert Anderson, sub-committee members were also present.

Proponents of House Bill 105 were:

Lloyd Rase, Carbon County School Dist. No. 1,
P.O. Box 268, Red Lodge, Mt. - Mr. Rase stated
"This bill represents the wishes of all the bus
patrons in our district. All transportation
regulations should be flexible enough to adapt
to varying conditions in individual districts.
With decreasing enrollments and declining
rural populations, bus routes often have eight
or fewer passengers and this is the type of
vehicle in 4-wheel drive will provide the most
efficient and most economical transportation."
(See Exhibit 1)

Representative Burnett, (Sponsor of HB 105):
briefly explained the need for HB 105 and went on
to tell that many persons have called him supporting
this bill. Speaking as a member of school boards
for 18 years, Rep. Burnett said this bill would
greatly help get kids to school in rural areas of
the state where the road conditions are not good.

Jack E. Kober, Poplar Schools, P.O. Box 458,
Poplar, Mt. - Mr. Kober testified, "I support this
legislation because it provides local boards some
flexibility in providing transportation for
students without incurring horrendous costs and
expenses. In my opinion, there are circumstances
wherein conventional four-wheel drive vehicles are
the most realistic form of transportation for
"feeder" routes in many rural areas of Montana.
(See Exhibit 2)

Wayne Buchanan, Montana School Boards Association,
501 N. Sanders, Helena, Mt. - Mr. Buchanan
feels that some compromise can be arrived at in this
situation. Supports small vehicle standards.
(See Exhibit 3)

Lyonald H. Thompson, Joliet Schools, Joliet, Mt. -
"I support this bill as it would help alleviate
problems that we have in rural low population areas.
(continued)

Lyonald H. Thompson (Continued)

"Because of adverse road conditions, we feel the small 4-wheel drive are better adapted than a regular school bus."

(See Exhibit 4)

Opponents to House Bill 105:

Robert Stockton, Administrator, Department of Financial Services, Office of Public Instruction, Helena, Mt. - Mr. Stockton testified that the smaller vehicles in question are 2 1/2 times more dangerous, according to national statistics, than the buses which are approved according to the present standards. A brief history of standards of school buses shows that in 1973 standards were adopted and at that time no smaller type two vehicles were available on the market. OPI set-up policies on variances to the standards of transportation of under nine children on four-wheel drive roads. These variances stayed in force until 1975 when type two school buses became available on the market. Only seven variances were requested. The variances were repealed because OPI attorneys felt, and court cases showed, even with parental consent, school boards approving transportation of students in vehicles that don't meet at least national minimum safety standards can be held negligent. Mr. Stockton presented the sub-committee with brochures showing the type two approved vehicles; he also presented a letter to the Montana Standard regarding conversion of regular type 1 and type 11 buses to four-wheel drive. (See Exhibit 5 and Exhibit 6)

Walt Miller, Montana Highway Patrol, Helena, Mt. -

"In the interest of pupil safety, minimum standards must be maintained. e.g., warning lights, tire tread standards, emergency warning devices, first aid kit, standards for electrical equipment, fire extinguishers, and identification (front and rear).

(See Exhibit 7)

The committee was at this time allowed to question the witnesses.

Mr. Kober asked Mr. Stockton if there were any statistics for safety in the use of four-wheel drive vehicles in Montana.

Mr. Stockton stated that he was not aware of any such statistics being compiled and only statistics for urban areas are available.

Representative Anderson asked Mr. Stockton if the installation of roll bars, air bags, and such equipment to bring Suburbans up to the standards required would be an acceptable alternative to the problem. Mr. Stockton replied that the strength of the body is still not acceptable as far as the safety requirements are concerned.

Representative Anderson asked Mr. Stockton if the liability of a school board could be covered by insurance. Mr. Stockton stated there is a presumptive liability situation. The burden of proof falls on the defendant rather than the plaintiff. Standards would remove the burden from the trustees. The only hold that OPI has on districts operating unapproved vehicles is not to reimburse them for the mileage. School boards do not have to have a special mill levy to run these buses. They can impose this without a vote.

The hearing on House Bill 105 was closed.

A meeting of the Sub-Committee will be held in Room 5 of the Capitol Annex on Friday, February 2 at 11:00.

The meeting adjourned at 12:10 p.m.



Joseph M. Magone, Chairman

MJW.