# HOUSE BILL NO. 662

# INTRODUCED BY BURNETT

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February 6, 1981	Introduced and referred to Committee on Education.
February 19, 1981	Committee recommend bill do pass as amended. Report adopted.
	Statement of intent attached.
February 20, 1981	Bill printed and placed on members' desks.
February 21, 1981	Second reading, do pass.
February 23, 1981	Correctly engrossed.
February 24, 1981	Third reading, passed. Ayes, 83; Noes, 16. Transmitted to Senate.
IN THE S	SENATE
March 2, 1981	Introduced and referred to Committee on Education and Cultural Resources.
March 24, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 26, 1981	Second reading, concurred in.
March 28, 1981	Third reading, concurred in as amended. Ayes, 48; Noes, 0.
IN THE	HOUSE

March 28, 1981

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Returned from Senate with amendments.

April 8, 1981

April 9, 1981

Second reading, amendments concurred in.

Third reading, amendments concurred in. Ayes, 89; Noes, 7. Sent to enrolling.

Reported correctly enrolled.

47th Legislature

### LC 2177/01

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LC 2177/01

1	HOUSE PILL NO. 662
2	INTRODUCED BY BURNETT
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE TRUSTEES
5	OF A SCHOOL DISTRICT TO USE A FOUR-WHEEL DRIVE VEHICLE FOR
4	TRANSPORTATION UNCER CERTAIN CONDITIONS; PROVIDING THAT THE
7	BOARD OF PUBLIC EDUCATION MAY GRADT PERMISSION FOR USE OF
5	SUCH A VEHICLE; AND PROVIDING FOR A REIMBURSEMENT RATE;
9	AMENDING SECTION 20-10-111, MCA."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 20-10-111, MCA, is amended to read:
13	"20-10-111. Duties of board of public education. (1)
14	The board of public education, by and with the advice of the
15	Montana division of motor vehicles and the superintendent of
16	public instruction, shall adopt and enforce policies, not
17	inconsistent with the motor vehicle laws, to provide uniform
14	stundards and regulations for the design, construction, and
19	operation of school buses in the state of Fontana. Such
26	policies shall:
21	(a) prescribe minimum standards for the design and
22	construction of school buses not inconsistent with:
2.3	(i) minimum standards adopted by the netional

24 commission on safety education; or

25 (ii) minimum standards adopted by the national highway

1 safety bureau;

(b) prescribe standards and specifications for the
 lighting equipment and special warning devices to be carried

4 by school buses in conformity with:

5 (i) current specifications approved by the society of
autopobile engineers;

7 (ii) motor vehicle laws; and

e (iii) the requirement that all school buses shall have
an alternately flashing prewarning lighting system of four
amber signal lamps to be used while preparing to stop and an
alternately flashing warning lighting system of four red
signal lamps to be used while stopped in accordance with
61-9-402;

(c) establish any other driver qualifications that may
be deemed necessary in addition to the qualifications
required in 20-10-103;

17 (d) prescribe criteria for the establishment of
18 transportation service areas for school bus purposes by the
19 county transportation committee which shall allow for the
20 establishment of such areas without regard to the district
21 boundary lines within the county;

22 (a) prescribe any other criteria for the determination

23 of the residence of a publi that may be deemed necessary in

24 addition to the criteria established in 20-10-105;

25 (f) prescribe any other policies for the operation of

-2- INTRODUCED BILL HB 662

#### LC 2177/01

1 school buses which are not inconsistent with: 2 (i) motor vehicle laws; з (ii) minimum standards adopted for school bus operation by the national commission on safety education; 4 5 (iii) highway safety standards; and 6 (iv) the transportation provisions of this title; 7 (q) prescribe standards for the measurement of the 8 child seating capacity of school buses, to be known as the 9 "rated capacity". 10 (2) The board of public education may grant permission 11 to the trustees of any district to use for transportation a 12 four-wheel drive vehicle that does not meet the minimum 13 standards of (i) and (ii) of subsection (1)(a) if: 14 (a) the trustees declare, in writing, that the use of 15 this type of vehicle is the most practical solution to meet 16 emergency\_weather\_and\_road\_conditions: 17 (b) this type of vehicle will not be used to transport 18 wore\_than\_eight\_pupils\_daily:\_and (c) the vehicle designated for transportation is 19 20 determined by the trustees to be in good mechanical 21 condition. 22 [3] Whenever the board of public education grants the 23 trustees of a district permission to use a four-wheal drive 24 vehicle under the provisions of subsection (2). the 25 reimbursement\_to\_the\_district\_shall\_ba\_based\_on\_the

#### 1 on-schedule\_rate\_of\_20\_cents\_per\_mile.

- 2 (2)(4) The board of public education shall prescribe
- 3 any other policy necessary for the proper administration and
- 4 operation of individual transportation programs that are not
- 5 inconsistent with the transportation provisions of this

-End-

title."

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1	STATEMENT OF INTENT
2	HOUSE BILL 662
3	House Education Committee
4	
5	A statement of intent is required for House Bill 662
6	because section 1 delegates rulemaking power to the Board of
7	Public Education.
8	The Board of Public Education is to promulgate rules
9	prescribing minimum standards for four-wheel drive vehicles
10	that are used as school buses. These standards are to relate
11	to safety considerations and equipment requirements to
12	insure that four-wheel drive vehicles used as school buses

13 provide safe transportation for student transportees.

47th Legislature

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#### HB 0562/02

### Approved by Committee on <u>Education</u>

ı	HOUSE BILL ND. 662
z	INTRODUCED BY BURNETT
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE TRUSTEES
5	OF A SCHOOL DISTRICT TO USE A FOUR-WHEEL DRIVE VEHICLE FOR
6	TRANSPORTATION UNDER CERTAIN CONDITIONS; PROVIDING THAT THE
7	BOARD OF PUBLIC EDUCATION MAY GRANT PERMISSION FOR USE OF
8	SUCH A VEHICLE; AND PROVIDING FOR A REIMBURSEMENT RATE;
9	AMENGING SECTION 20-10-111, MCA."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 20-10-111, MCA, is amended to read: "20-10-111. Duties of board of public education. (1) 13 The board of public education, by and with the advice of the 14 Montana division of motor vehicles and the superintendent of 15 16 public instruction, shall adopt and enforce policies, not inconsistent with the motor vehicle laws, to provide uniform 17 18 standards and regulations for the design, construction, and operation of school buses in the state of Montana. Such 19 policies shall: 20

21 (a) prescribe minimum standards for the design and22 construction of school buses not inconsistent with:

23 (i) minimum standards adopted by the national24 commission on safety education; or

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(ii) minimum standards adopted by the national highway

1 safety bureau;

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

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

7 (ii) motor vehicle laws; and

8 (iii) the requirement that all school buses shall have 9 an alternately flashing prewarning lighting system of four 10 amber signal lamps to be used while preparing to stop and an 11 alternately flashing warning lighting system of four red 12 signal lamps to be used while stopped in accordance with 13 61-9-402;

(c) establish any other driver qualifications that may
be deemed necessary in addition to the qualifications
required in 20-10-103;

17 (d) prescribe criteria for the establishment of 18 transportation service areas for school bus purposes by the 19 county transportation committee which shall allow for the 20 establishment of such areas without regard to the district 21 boundary lines within the county;

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

(f) prescribe any other policies for the operation of

-2-

нв 662 SEĆOND READING

#### HB 0662/02

HB 662

#### HB 0662/02

1 school buses which are not inconsistent with: 2 (i) motor vehicle laws; 3 (ii) minimum standards adopted for school bus operation 4 by the national commission on safety education; 5 (iii) highway safety standards; and 6 (iv) the transportation provisions of this title; 7 (q) prescribe standards for the measurement of the 8 child seating capacity of school buses, to be known as the 9 "rated capacity". 10 (2) The board of public education may grant permission 11 to the trustees of any district to use for transportation a 12 four-wheel drive vehicle that--does--not--meet--the--minimum 13 standards--of--fit--and-fitt-of-subsection-fit(s) CAPABLE\_OF TRANSPORTING EIGHT PASSENGERS OR LESS THAT MEETS THE MINIMUM 14 15 STANDARDS FOR THESE VEHICLES AS PRESCRIBED BY THE BOARD OF PUBLIC EDUCATION if+ 16 17 taj--the--trustees-declarev-in-writingv-that-the-use-of 18 this-type-of-vehicle-is-the-most-practical-solution-to--meet 19 emergency-weather-and-road-conditions; 20 this type of vehicle will not be used to transport 21 more than eight pupils dailyt-and. 22 tcl--the---vehicle--designated--for--transportation--is 23 determined--by--the--trustees--to--be--in--good---mechanical 24 conditions 25 [3] Whenever the board of public education grants the

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- 1 trustees of a district permission to use a four-wheel drive
- 2 vehicle under the provisions of subsection (2), the
- 3 reimbursement to the district shall be based on the
- 4 on-schedule rate of 20 cents per mile.
- 5 (2)(4) The board of public education shall prescribe 6 any other policy necessary for the proper administration and 7 operation of individual transportation programs that are not 8 inconsistent with the transportation provisions of this
- 9 title."

-End-

L	HOUSE BILL NO. 662	1	safety bureau;
2	INTRODUCED BY BURNETT	2	(b) prescribe standards and specifications for the
3		3	lighting equipment and special warning devices to be carried
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE TRUSTEES	4	by school buses in conformity with:
5	OF A SCHOOL DISTRICT TO USE A FOUR-WHEEL DRIVE VEHICLE FOR	5	(i) current specifications approved by the society of
6	TRANSPORTATION UNDER CERTAIN CONDITIONS; PROVIDING THAT THE	6	automobile engineers;
7	BOARD OF PUBLIC EDUCATION MAY GRANT PERMISSION FOR USE OF	7	(ii) motor vehicle laws; and
8	SUCH A VEHICLE; AND PROVIDING FOR A REIMBURSEMENT RATE;	8	(iii) the requirement that all school buses shall have
9	AMENDING SECTION 20-10-111, MCA."	9	an alternately flashing prewarning lighting system of four
10		10	amber signal lamps to be used while preparing to stop and an
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	alternately flashing warning lighting system of four red
12	Section 1. Section 20-10-111, MCA, is amended to read:	12	signal lamps to be used while stopped in accordance with
13	#20-10-111. Duties of board of public education. (1)	13	61-9-402;
14	The board of public education, by and with the advice of the	14	(c) establish any other driver qualifications that may
15	Montana division of motor vehicles and the superintendent of	15	be deemed necessary in addition to the qualifications
16	public instruction, shall adopt and enforce policies, not	16	required in 20-10-103;
17	inconsistent with the motor vehicle laws, to provide uniform	17	(d) prescribe criteria for the establishment of
18	standards and regulations for the design: construction; and	18	transportation service areas for school bus purposes by the
19	operation of school buses in the state of Montana. Such	19	county transportation committee which shall allow for the
20	policies shall:	20	establishment of such areas without regard to the district
21	(a) prescribe minimum standards for the design and	21	boundary lines within the county;
22	construction of school buses not inconsistent with:	22	(e) prescribe any other criteria for the determination
23	(i) minimum standards adopted by the national	23	of the residence of a pupil that may be deemed necessary in
24	commission on safety education; or	24	addition to the criteria established in 20-10-105;
25	(ii) minimum standards adopted by the national highway	25	(f) prescribe any other policies for the operation of
			~2- НВ 662

THIRD READING

#### HB 0662/02

H8 662

#### HB 0662/02

1 school buses which are not inconsistent with: (i) motor vehicle laws: 2 3 (ii) minimum standards adopted for school bus operation by the national commission on safety education; 4 5 (iii) highway safety standards; and (iv) the transportation provisions of this title; 7 (g) prescribe standards for the measurement of the 8 child seating capacity of school buses, to be known as the 9 "rated capacity". 10 [2] The board of public education may grant permission 11 to the trustees of any district to use for transportation a 12 four-wheel drive vehicle that--does--not--meet--the--minimum 13 standards--of-fil--and-fill-of-subsection-filfs CAPABLE OF TRANSPORTING EIGHT PASSENGERS OR LESS THAT MEETS THE MINIMUM 14 15 STANDARDS FOR THESE VEHICLES AS PRESCRIBED BY THE BOARD OF PUBLIC EDUCATION if+ 16 17 fa)--the--trustees-declarey-in-writingy-that-the-use-of 18 this-type-of-vehicle-is\_the-most-practical-solution-to--meet 19 emergency-weather-and-road-conditionst 20 this type of vehicle will not be used to transport 21 more than eight pupils dailyt-and. 22 fc}--the---vehicle--designated--for--transportation--is 23 determined-by-the-trustees-to-be-in-good--mechanical 24 conditiony 25 (3) Whenever the board of public education grants the

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- trustees of a district permission to use a four-wheel drive
- vehicle under the provisions of subsection (2), the 2
- 3 reimbursement to the district shall be based on the
- 4 on-schedule rate of 20 cents per mile.

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5 (2)(4) The board of public education shall prescribe 6 any other policy necessary for the proper administration and 7 operation of individual transportation programs that are not 8 inconsistent with the transportation provisions of this 9 title."

-End-

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STATEMENT OF INTENT 1 2 HOUSE BILL 662 3 House Education Committee 4 A statement of intent is required for House Bill 662 5 6 because section 1 delegates rulemaking power to the Board of 7 Public Education. 8 The Board of Public Education is to promulgate rules 9 prescribing minimum standards for four-wheel drive vehicles 10 that are used as school buses. These standards are to relate 11 to safety considerations and equipment requirements to 12 insure that four-wheel drive vehicles used as school buses

13 provide safe transportation for student transportees.

Please insert in H B 662 Blue Printing 47th Legislature

1 2 3 HB 662

STATEMENT	OF	INTENT
HOUSE	BILL	662

4
5 A statement of intent is required for House Bill 662
6 because section 1 delegates rulemaking power to the Board of
7 Public Education.

House Education Committee

8 The Board of Public Education is to promulgate rules 9 prescribing minimum standards for four-wheel drive vehicles 10 that are used as school buses. These standards are to relate 11 to safety considerations and equipment requirements to 12 insure that four-wheel drive vehicles used as school buses 13 provide safe transportation for student transportees. HOUSE BILL NO. 662

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE TRUSTEES 5 OF A SCHOOL DISTRICT TO USE A FOUR-WHEEL DRIVE VEHICLE FOR 6 TRANSPORTATION UNDER CERTAIN CONDITIONS; PROVIDING THAT THE 7 BOARD GF PUBLIC EDUCATION MAY GRANT PERMISSION FOR USE OF 8 SUCH A VEHICLE; AND PROVIDING FOR A REIMBURSEMENT RATE; 9 AMENDING SECTION 2G-10-111, MCA."

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3

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

Section 1. Section 20-10-111, MCA, is amended to read: 12 13 "20-10-111. Outles of board of public education. (1) 14 The board of public education, by and with the advice of the 15 Montana division of motor vehicles and the superintendent of 16 public instruction, shall adopt and enforce policies, not 17 inconsistent with the motor vehicle laws, to provide uniform 18 standards and regulations for the design+ construction+ and 19 operation of school buses in the state of Montana. Such 20 policies shall:

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

23 (i) minimum standards adopted by the national24 commission on safety education; or

25 (ii) minimum standards adopted by the national highway

H9 0662/03

1 safety bureau;

7

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

5 (1) current specifications approved by the society of
 automobile engineers;

(ii) motor vehicle laws; and

8 (iii) the requirement that all school buses shall have 9 an alternately flashing prewarning lighting system of four 10 amber signal lamps to be used while preparing to stop and an 11 alternately flashing warning lighting system of four red 12 signal lamps to be used while stopped in accordance with 13 61-9-402;

14 (c) establish any other driver qualifications that may
15 be deemed necessary in addition to the qualifications
16 required in 20-10-103;

17 (d) prescribe criteria for the establishment of 18 transportation service areas for school bus purposes by the 19 county transportation committee which shall allow for the 20 establishment of such areas without regard to the district 21 boundary lines within the county;

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

25 (f) prescribe any other policies for the operation of

-2-

H3 662

REFERENCE BILL

## H8 0652/03

#### HB 0662/03

ĩ	school buses which are not inconsistent with:
Z	(i) motor vehicle laws;
3	(ii) minimum standards adopted for school bus operation
4	by the national commission on safety education;
5	(iii) highway safety standards; and
6	(iv) the transportation provisions of this title;
7	(g) prescribe standards for the measurement of the
8	child seating capacity of school buses, to be known as the
9	"rated capacity".
10	[2] The board of public education may grant permission
11	to the trustees of any district to use for transportation a
12	<u>four-wheel_drive_vehicle_thatdoesnotmeettheminimum</u>
13	<u>standards-rof-fil-and-fiij-of-subsection-filfat CAPABLE_OF</u>
14	TRANSPORTING EIGHT PASSENGERS OR LESS THAT MEETS THE MINIMUM
15	STANDARDS FOR THESE VEHICLES AS PRESCRIBED BY THE BOARD OF
16	PUBLIC EDUCATION IF+
17	<u>tot::thetrustees-declarer-in-writingr-that-the-use-of</u>
18	<u>this_type_of_vehicle_is_the_most_practical_solution_tomeet</u>
19	<u>emergency-weather-and-road-conditionst</u>
20	<pre>fbt_this type of vehicle will not be used to transport</pre>
21	more than eight pupils daily PER TRIPt-and.
22	<u>fcjthevehicledesignatedfortransportationis</u>
23	<u>determined::bythetrusteestobeingoodmechanico}</u>
24	conditions
25	(3) Whenever the board of public education grants the
	-3- HB 662

- 1 trustees of a district permission to use a four-wheel drive
  2 vehicle under the provisions of subsection [2]: the
- 3 reimbursement to the district shall be based on the
- 4 on-schedule rate of 20 cents per mile.
- 5 (2)(4) The board of public education shall prescribe 6 any other policy necessary for the proper administration and 7 operation of individual transportation programs that are not 8 inconsistent with the transportation provisions of this 9 title."

-End-

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and the second second

SENATE STANDING COMMITTEE REPORT (Education and Cultural Resources)

That House Bill No. 662 be amended as follows:

l. Page 3, line 21. Strike: "daily" Insert: "per trip"