

HOUSE BILL NO. 662

INTRODUCED BY BURNETT

IN THE HOUSE

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 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	Returned from Senate with amendments.
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April 8, 1981

Second reading, amendments
concurred in.

April 9, 1981

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

Reported correctly enrolled.

1 HOUSE BILL 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
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 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
18 standards and regulations for the design, construction, and
19 operation of school buses in the state of Montana. Such
20 policies shall:

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

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

25 (ii) minimum standards adopted by the national highway

1 safety bureau;

2 (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
6 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;

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;

22 (e) prescribe any other criteria for the determination
23 of the residence of a pupil 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

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 (v) 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 ~~more than eight pupils daily; and~~

19 ~~(c) the vehicle designated for transportation is~~
 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-wheel drive~~
 24 ~~vehicle under the provisions of subsection (2), the~~
 25 ~~reimbursement to the district shall be 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~~
 6 ~~title."~~

-End-

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.

Approved by Committee
on Education

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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:
21 (a) prescribe minimum standards for the design and
22 construction of school buses not inconsistent with:
23 (i) minimum standards adopted by the national
24 commission on safety education; or
25 (ii) minimum standards adopted by the national highway

1 safety bureau;
2 (b) prescribe standards and specifications for the
3 lighting equipment and special warning devices to be carried
4 by school buses in conformity with:
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6 automobile engineers;
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9 an alternately flashing prewarning lighting system of four
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13 61-9-402;
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15 be deemed necessary in addition to the qualifications
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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 (e) prescribe any other criteria for the determination
23 of the residence of a pupil 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

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;
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 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".

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 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 (ii) and (iii) of subsection (f)(a) CAPABLE OF~~
 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 ~~(a) the trustees declare, in writing, that the use of~~
 18 ~~this type of vehicle is the most practical solution to meet~~
 19 ~~emergency weather and road conditions;~~

20 ~~(b) this type of vehicle will not be used to transport~~
 21 ~~more than eight pupils daily; and~~

22 ~~(c) the vehicle designated for transportation is~~
 23 ~~determined by the trustees to be in good mechanical~~
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25 (3) Whenever the board of public education grants the

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 (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
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 15 STANDARDS FOR THESE VEHICLES AS PRESCRIBED BY THE BOARD OF
 16 PUBLIC EDUCATION if:

17 (a) the trustees declare in writing that the use of
 18 this type of vehicle is the most practical solution to meet
 19 emergency weather and road conditions;

20 (b) this type of vehicle will not be used to transport
 21 more than eight pupils daily PER TRIP; and,

22 (c) 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

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
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 8 inconsistent with the transportation provisions of this
 9 title."

-End-

March 24, 1981

SENATE STANDING COMMITTEE REPORT
(Education and Cultural Resources)

That House Bill No. 662 be amended as follows:

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