

HOUSE BILL NO. 794

INTRODUCED BY DAILY

BY REQUEST OF THE HOUSE EDUCATION
AND CULTURAL RESOURCES COMMITTEE

IN THE HOUSE

February 15, 1983	Introduced and referred to Committee on Education and Cultural Resources.
February 16, 1983	Committee recommend bill do pass. Report adopted.
February 17, 1983	Bill printed and placed on members' desks.
February 18, 1983	Second reading, do pass.
February 21, 1983	Considered correctly engrossed.
February 22, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Education and Cultural Resources.
March 18, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 21, 1983	Second reading, concurred in.
March 23, 1983	Third reading, concurred in. Ayes, 49; Noes, 1.

IN THE HOUSE

March 23, 1983	Returned to House with amendments.
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March 31, 1983

Second reading, amendments
concurred in.

April 1, 1983

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

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 2 INTRODUCED BY *Daily*
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6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
 7 DEFINITION OF "SCHOOL BUS" AS DEFINED IN TITLE 20 AND TITLE
 8 61 BY EXEMPTING CERTAIN MOTOR VEHICLES FROM THE DEFINITION;
 9 AMENDING SECTIONS 20-10-101 AND 61-1-116, MCA."
 10

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

12 Section 1. Section 20-10-101, MCA, is amended to read:
 13 "20-10-101. Definitions. As used in this title, unless
 14 the context clearly indicates otherwise, the following
 15 definitions apply:

16 (1) "Transportation" shall mean:

17 (a) a district's conveyance of a pupil by a school bus
 18 between his legal residence and the school designated by the
 19 trustees for his attendance;

20 (b) a district's conveyance of a pupil by a school bus
 21 between his regular school of attendance and the
 22 vocational-technical secondary schools designated by the
 23 trustees for his attendance if the secondary school is
 24 located in some other school district; or

25 (c) "individual transportation" whereby a district is

1 relieved of actually conveying a pupil. Such individual
 2 transportation may include paying the parent or guardian for
 3 conveying the pupil, reimbursing the parent or guardian for
 4 the pupil's board and room, or providing supervised
 5 correspondence study or supervised home study.

6 (2) An "eligible transportee" shall mean a public
 7 school pupil who:

8 (a) is not less than 5 years of age nor has attained
 9 his 21st birthday;

10 (b) is a resident of the state of Montana;

11 (c) regardless of district and county boundaries,
 12 resides at least 3 miles, over the shortest practical route,
 13 from the nearest operating public elementary school or
 14 public high school, whichever the case may be; and

15 (d) is deemed by law to reside with his parent or
 16 guardian who maintains legal residence within the boundaries
 17 of the district furnishing the transportation regardless of
 18 where the eligible transportee actually lives when attending
 19 school.

20 (3) ~~(a) A "school bus" shall mean means except as~~
 21 ~~provided in subsection (3)(b), any motor vehicle which is~~
 22 ~~owned by a district or other public agency or by a carrier~~
 23 ~~under contract with such a district or public agency and~~
 24 ~~which complies with the bus standards established by the~~
 25 ~~board of public education as determined by the Montana~~

1 ~~division--of-motor-vehicles' semiannual inspection of school~~
 2 ~~buses and the superintendent of public instruction that:~~

3 (i) complies with the bus standards established by the
 4 board of public education as verified by the Montana
 5 division of motor vehicles' semiannual inspection of school
 6 buses and the superintendent of public instruction; and

7 (ii) is owned by a district or other public agency and
 8 operated for the transportation of pupils to or from school
 9 or owned by a carrier under contract with a district or
 10 public agency to provide transportation of pupils to or from
 11 school.

12 (b) A school bus does not include a vehicle that is:

13 (i) privately owned and not operated for compensation
 14 under this title;

15 (ii) privately owned and operated for reimbursement
 16 under 20-10-142;

17 (iii) either district-owned or privately owned,
 18 designed to carry not more than nine passengers, and used to
 19 transport pupils to or from activity events or to transport
 20 pupils to their homes in case of illness or other emergency
 21 situations; or

22 (iv) an over-the-road passenger coach used only to
 23 transport pupils to activity events."

24 Section 2. Section 61-1-116, MCA, is amended to read:

25 "61-1-116. School bus. "School bus" means every motor

1 ~~vehicle--owned--by--a--public--or--governmental--agency--and~~
 2 ~~operated--for--the--transportation--of--children--to--or--from~~
 3 ~~school--or--privately-owned-and-operated-for-compensation--for~~
 4 ~~the--transportation--of--children--to--or--from--school has the~~
 5 ~~meaning given in 20-10-101."~~

-End-

App. by comm. on education
and cultural resources

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14 public high school, whichever the case may be; and

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25 ~~board of public education as determined by the Montana~~

division--of-motor-vehicles'-semiannual-inspection-of-school
buses-and-the-superintendent-of-public-instruction that:

(i) complies with the bus standards established by the
board of public education as verified by the Montana
division of motor vehicles' semiannual inspection of school
buses and the superintendent of public instruction; and

(ii) is owned by a district or other public agency and
operated for the transportation of pupils to or from school
or owned by a carrier under contract with a district or
public agency to provide transportation of pupils to or from
schools.

(b) A school bus does not include a vehicle that is:

(i) privately owned and not operated for compensation
under this title;

(ii) privately owned and operated for reimbursement
under 20-10-142;

(iii) either district-owned or privately owned,
designed to carry not more than nine passengers, and used to
transport pupils to or from activity events or to transport
pupils to their homes in case of illness or other emergency
situations; or

(iv) an over-the-road passenger coach used only to
transport pupils to activity events."

Section 2. Section 61-1-116, MCA, is amended to read:

"61-1-116. School bus. "School bus" means every motor

vehicle--owned--by--a--public--or--governmental--agency--and
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11 (c) regardless of district and county boundaries,
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 14 public high school, whichever the case may be; and

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 25 ~~board of public education as determined by the Montana~~

division--of-motor-vehicles'-semiannual-inspection-of-school
buses-and-the-superintendent-of-public-instruction that:

(i) complies with the bus standards established by the
board of public education as verified by the Montana
division of motor vehicles' semiannual inspection of school
buses and the superintendent of public instruction; and

(ii) is owned by a district or other public agency and
operated for the transportation of pupils to or from school
or owned by a carrier under contract with a district or
public agency to provide transportation of pupils to or from
school.

(b) A school bus does not include a vehicle that is:

(i) privately owned and not operated for compensation
under this title;

(ii) privately owned and operated for reimbursement
under 20-10-142;

(iii) either district-owned or privately owned,
designed to carry not more than nine passengers, and used to
transport pupils to or from activity events or to transport
pupils to their homes in case of illness or other emergency
situations; or

(iv) an over-the-road passenger coach used only to
transport pupils to activity events."

Section 2. Section 61-1-116, MCA, is amended to read:

"61-1-116. School bus. "School bus" means every motor

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the--transportation--of--children--to--or--from-school has the
meaning given in 20-10-101."

-End-

March 18, 1983

SENATE STANDING COMMITTEE REPORT
(Education & Cultural Resources)

That House Bill No. 794 be amended as follows:

1. Title, line 9.

Following: "MCA"

Insert: "; PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 4.

Following: line 5

Insert: "NEW SECTION. Section 3. Effective date. This act is effective on passage and approval."

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between his regular school of attendance and the
vocational-technical secondary schools designated by the
trustees for his attendance if the secondary school is
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school pupil who:

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his 21st birthday;

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from the nearest operating public elementary school or
public high school, whichever the case may be; and

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 5 the-transportation-of-children-to-or--from--school has the
 6 meaning given in 20-10-101."
 7 SECTION 3. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
 8 PASSAGE AND APPROVAL.

-End-