

HOUSE BILL NO. 519

INTRODUCED BY BROOKE, CONNELLY, JOHNSON

IN THE HOUSE

FEBRUARY 1, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
	FIRST READING.
FEBRUARY 11, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 13, 1989	PRINTING REPORT.
FEBRUARY 14, 1989	SECOND READING, DO PASS.
FEBRUARY 15, 1989	ENGROSSING REPORT.
FEBRUARY 16, 1989	THIRD READING, PASSED. AYES, 86; NOES, 12.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 17, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
	FIRST READING.
MARCH 8, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 9, 1989	SECOND READING, CONCURRED IN.
MARCH 11, 1989	THIRD READING, CONCURRED IN. AYES, 38; NOES, 6.
	RETURNED TO HOUSE.

MARCH 11, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 519
2 INTRODUCED BY William L. Smith, Secretary of State
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE AUTHORITY
5 OF THE BOARD OF PUBLIC EDUCATION TO PERMIT SCHOOL DISTRICTS
6 TO USE FOUR-WHEEL DRIVE ALTERNATIVE VEHICLES TO TRANSPORT
7 PUPILS TO AND FROM SCHOOL; AND AMENDING SECTION 20-10-111,
8 MCA."
9

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

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

12 "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 department of justice and the superintendent of
15 public instruction, shall adopt and enforce policies, not
16 inconsistent with the motor vehicle laws, to provide uniform
17 standards and regulations for the design, construction, and
18 operation of school buses in the state of Montana. Such
19 policies shall:

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

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

24 (ii) minimum standards adopted by the national highway
25 safety bureau;

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

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

6 (ii) motor vehicle laws; and

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

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

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

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

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

1 (i) motor vehicle laws;
 2 (ii) minimum standards adopted for school bus operation
 3 by the national commission on safety education;
 4 (iii) highway safety standards; and
 5 (iv) the transportation provisions of this title;
 6 (g) prescribe standards for the measurement of the
 7 child seating capacity of school buses, to be known as the
 8 rated capacity.
 9 ~~{2}--The board of public education may grant permission~~
 10 ~~to the trustees of any district to use for transportation a~~
 11 ~~four-wheel-drive vehicle capable of transporting eight~~
 12 ~~passengers or less that meets the minimum standards for~~
 13 ~~these vehicles as prescribed by the board of public~~
 14 ~~education if this type of vehicle will not be used to~~
 15 ~~transport more than eight pupils per trip.~~
 16 ~~{3}--Whenever the board of public education grants the~~
 17 ~~trustees of a district permission to use a four-wheel-drive~~
 18 ~~vehicle under the provisions of subsection {2}, the~~
 19 ~~reimbursement to the district shall be based on the~~
 20 ~~on-schedule rate of 20 cents per mile.~~
 21 {4}(2) The board of public education shall prescribe
 22 any other policy necessary for the proper administration and
 23 operation of individual transportation programs that are not
 24 inconsistent with the transportation provisions of this
 25 title."

1 NEW SECTION. **Section 2.** Extension of authority. Any
 2 existing authority to make rules on the subject of the
 3 provisions of [this act] is extended to the provisions of
 4 [this act].

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

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

Section 1. Section 20-10-111, MCA, is amended to read:**"20-10-111. Duties of board of public education. (1)**

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

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

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

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

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

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

(ii) motor vehicle laws; and

(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~~ considered necessary in addition to the qualifications required in 20-10-103;

(d) prescribe criteria for the establishment of transportation service areas for school bus purposes by the county transportation committee which shall allow for the establishment of such areas without regard to the district 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 school buses which are not inconsistent with:

1 (i) motor vehicle laws;
 2 (ii) minimum standards adopted for school bus operation
 3 by the national commission on safety education;
 4 (iii) highway safety standards; and
 5 (iv) the transportation provisions of this title;
 6 (g) prescribe standards for the measurement of the
 7 child seating capacity of school buses, to be known as the
 8 rated capacity.

9 ~~{2}--The board of public education may grant permission~~
 10 ~~to the trustees of any district to use for transportation a~~
 11 ~~four-wheel-drive vehicle capable of transporting eight~~
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 13 ~~these vehicles as prescribed by the board of public~~
 14 ~~education if this type of vehicle will not be used to~~
 15 ~~transport more than eight pupils per trip.~~

16 ~~{3}--Whenever the board of public education grants the~~
 17 ~~trustees of a district permission to use a four-wheel-drive~~
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 19 ~~reimbursement to the district shall be based on the~~
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21 {4}(2) The board of public education shall prescribe
 22 any other policy necessary for the proper administration and
 23 operation of individual transportation programs that are not
 24 inconsistent with the transportation provisions of this
 25 title."

1 NEW SECTION. Section 2. Extension of authority. Any
 2 existing authority to make rules on the subject of the
 3 provisions of [this act] is extended to the provisions of
 4 [this act].

5 NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS
 6 EFFECTIVE JULY 1, 1990.

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

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

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