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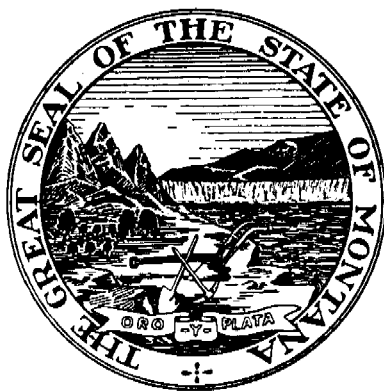
RESERVE

MONTANA ADMINISTRATIVE REGISTER

SEP 17 1981

SEP 17 1981

1981 ISSUE NO. 17
PAGES 964-1069



NOTICE OF FUNCTIONS OF ADMINISTRATIVE CODE COMMITTEE

The Administrative Code Committee reviews all proposals for adoption of new rules or amendment or repeal of existing rules filed with the Secretary of State. Proposals of the Department of Revenue are reviewed only in regard to the procedural requirements of the Montana Administrative Procedure Act. The Committee has the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. In addition, the Committee may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a Joint Resolution directing an agency to adopt, amend or repeal a rule.

The Committee welcomes comments from the public and invites members of the public to appear before it or to send it written statements in order to bring to the Committee's attention any difficulties with existing or proposed rules. The address is Room 138, State Capitol, Helena, Montana, 59620.

17-9/17/81

HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA
AND THE MONTANA ADMINISTRATIVE REGISTER

Definitions: Administrative Rules of Montana (ARM) is a loose-leaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

Montana Administrative Register (MAR) is a soft back, bound publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statute and rules by the attorney general (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding register.

Use of the Administrative Rules of Montana (ARM):

- | | |
|-------------------------------|---|
| Known Subject Matter | 1. Consult General Index, Montana Code Annotated to determine department or board associated with subject matter or statute number. |
| Department | 2. Refer to Chapter Table of Contents, Title 1 through 46, page i, Volume 1, ARM, to determine title number of department's or board's rules. |
| | 3. Locate volume and title. |
| Subject Matter and Title | 4. Refer to topical index, end of title, to locate rule number and catchphrase. |
| Title Number and Department | 5. Refer to table of contents, page 1 of title. Locate page number of chapter. |
| Title Number and Chapter | 6. Go to table of contents of chapter, locate rule number by reading catchphrase (short phrase describing rule.) |
| Statute Number and Department | 7. Go to cross reference table at end of each title which lists each MCA section number and corresponding rules. |
| Rule in ARM | 8. Go to rule. Update by checking the accumulative table and the table of contents for the last register issued. |

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies which have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through June 30, 1981. This table will include those rules adopted during the period July 1, 1981 through September 30, 1981, and any proposed rule action that is pending during the past 6 month period. (A notice of adoption must be published within 6 months of the published notice of the proposed rule.) This table does not, however, include the contents of this issue of the Montana Administrative Register (MAR).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through June 30, 1981, this table and the table of contents for this issue of the MAR.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule and the page number at which the action is published.

ADMINISTRATION, Department of, Title 2

2.32.101	Uniform Building Code, p. 662
2.32.105	Uniform Mechanical Code, p. 664
2.32.202	Extent of Local Programs, p. 668
2.32.302	Uniform Plumbing Code, p. 670
2.32.407	Electrical Inspection Fees, p. 674
2.44.504	Eligibility for Disability Benefits, p. 480

AGRICULTURE, Department of, Title 4

I-IX	Emergency Rules Providing Procedures Authorizing Application of Pesticides with Less than Label Specified Diluents, p. 600
------	--

AUDITOR, Title 6

I-XIII	Medicare Supplement Insurance, p. 865
6.6.501	Disclosure Statements in Sale of Medicare Supplements Information to be Furnished Prospective Insured, p. 865

COMMERCE, Department of, Title 8

(Business Regulation)	
I	Conditions of Investment (Bank Investment and Agriculture Credit Corporations), p. 700
8.6.301	Licensee Assessment, p. 209
8.6.302	Additional Producer Assessment, p. 583
8.7.301(6)	(a) (6)(h) Relating to Milk Pricing Reflecting Butter-fat Values and Minimum Jobber Prices, p. 585
8.7.301(6)(g)	Relating to the Minimum Price of Milk, p. 880

17-9/17/81

- 8.7.301(9) Providing for Increased Freight Allowances for Inter-plant Transfers of Milk, p. 587
- 8.7.301(10) Relating to Rate Charged Producers for Hauling Milk from Farm to Plant and Providing Uniform System of Accounting, p. 589
- (Board of Dentistry)
- 40.14.602 Allowable Functions for Dental Auxiliaries, p. 500, 686
- 40.14.605 Examination, p. 500, 521, 686
- (Board of Landscape Architects)
- 40.22.409 Fee Schedule, p. 535, 842
- (Board of Morticians)
- 40.28.402 Applications, p. 702
- (Board of Plumbers)
- 40.42.404 Examination, p. 677, 957
- 40.42.405 Renewals, p. 677, 957
- (Board of Public Accountants)
- 40.52.416 Reciprocity - Other Nations, p. 504, 687
- (Board of Veterinarians)
- 40.62.601 through 40.62.611 Veterinary Technicians, p. 881

EDUCATION, Title 10

(Board of Public Education)

- 10.57.207 Correspondence, Extension and Inservice Credits, p. 591, 843
- 10.57.208 Reinstatement, p. 593, 844
- 10.57.402 Class 2 Standard Teaching Certificate, p. 595, 845
- (Montana Historical Society)
- I Model Procedural Rules, p. 482, 765
- I Grant Proposals, p. 483, 680
- I General Guidelines, p. 486, 766
- I Museum and Galleries Loans, p. 492, 767
- II Submission of Proposals to the Legislature, p. 483, 680
- II Museum and Galleries Acquisitions, p. 486, 766
- II Library Loans, p. 492, 767
- III Grant Conditions, p. 483, 680
- III Library Acquisitions, p. 486, 766
- III Archives Loans, p. 492, 767
- IV Disbursement of Grant Funds, p. 483, 680
- IV Archives Acquisitions, p. 486, 766

FISH, WILDLIFE & PARKS, Department of, Title 12

- 12.6.901 Water Safety Regulations, 792, 882

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

- I-VII Relating to Variances from Solid Waste Management Rules, p. 794
- 16.2.501 16.2.502, 503 Procedures for Public Comment on Applications for Permits Under the Major Facility Siting Act, p. 704, 797

17-9/17/81

- 16.2.704 Relating to Assessment of EIS Fees for Subdivision Review, p. 597, 846
- 16.6.101 Registrars - General, p. 885
- 16.6.103 Preservation of Copies of Record, p. 894
- 16.6.104 Certificates Unfading, Permanent and Legible, p. 895
- 16.6.105 Preservation of Old Record, p. 886
- 16.6.106 Correction Affidavits, p. 887
- 16.6.109 Monthly Statement of Returns, p. 896
- 16.6.110 Payment of Fees to Local Registrars, p. 897
- 16.6.116 Fees for Copies and Research, p. 899
- 16.6.301 Certificate of Birth, p. 900
- 16.6.302 Parent to Review Birth Certificate, p. 902
- 16.6.303 Delayed Birth Records, p. 903
- 16.6.309 Children Born Out of Wedlock, Certificate For, p. 905
- 16.6.310 Certificate of Adoption, p. 888
- 16.6.601 Marriage Applications, p. 906
- 16.6.602 Report of Dissolution or Invalidity of Marriage, p. 890
- 16.6.801 Definitions, p. 893
- 16.6.802 Report of Induced Abortion, p. 893
- 16.6.901 Death Certificate, p. 908
- 16.6.902 Fetal Death Certificate, p. 891
- 16.6.903 Health Officers Notified by Registrar, When, p. 910
- 16.6.906 Burial Transit Permit, p. 911
- 16.6.907 Relating to Burial Transit Permit, p. 911
- 16.6.916 Disinterment Permits, p. 913
- 16.6.1601 Information Recorded, p. 915
- 16.6.1801 Relating to Records of Institutions and Communal Colonies, p. 915
- 16.8.806 Fluoride in Forage Definitions, p. 335, 847
- 16.8.813 Fluoride in Forage, p. 338, 850
- 16.8.1405 Open Burning Restrictions, p. 708, 797
- 16.14.101 Definitions - Solid Waste Management Grants and Loans to Local Governments, p. 715, 797
- 16.14.103 General Application Requirements - Solid Waste Management Grants and Loans to Local Governments, p. 717, 797
- 16.14.104 Front-End Planning Funds - Grant Application and Criteria for Review, p. 719, 797
- 16.14.105 Front-End Implementation Funds - Grant Application, p. 721, 797
- 16.14.109 Order of Funding Grants, p. 723, 797
- 16.14.111 Noncompliance (Grants to Front-End Implementation Funds, p. 724, 797
- 16.24.803 Facility Report, 916
- 16.28.1005 Employee - Schools - Day Care Facility (Tuberculin Testing) p. 712

HIGHWAYS, Department of, Title 18

- 18.8.601 Overweight Single Trip Permits, p. 798
- 18.8.1202 through 18.8.1215 Various Special Vehicle Movement Conditions, p. 798

17-9/17/81

INSTITUTIONS, Department of, Title 20

20.3.101 through 20.3.216 Approval of Alcohol Program, p. 726

JUSTICE, Department of, Title 23

1.3.101 through 1.3.234 Model Rules, p. 802

LABOR AND INDUSTRY, Department of, Title 24

24.9.217 Complaint: Notice to Commission, p. 805
24.9.252 Declaratory Rulings: Filing and Notification of
Disposition of Petition, p. 803
24.9.255 Declaratory Ruling: Effect of Ruling, p. 806
24.9.261 Dismissal of Complaints also Pending in Court, p. 809
24.9.802 Commission Meetings: Quorum: Decision Making
Authority, p. 807
24.19.501 Rebate of Service Charges Interest and/or Placement
Fees, p. 919
24.19.503 Providing for Termination after 30 Days, p. 919

STATE LANDS, Department of, Title 26

I Minimum Restrictions on Surface Activity, p. 497
II Additional Restrictions - Stipulations, p. 497
III Compliance with Lease Stipulations and Restrictions,
p. 497
I-XX Rules Governing State Leases for Metalliferous
Minerals and Gems, p. 921
I-XX Rules Governing State Leases for Uranium and Other
Fissionable Material, p. 932
26.3.108 Renewal of Lease, p. 760
26.3.121 Transfer of Leases: Assignments and Subleases, p. 761

LIVESTOCK, Department of, Title 32

I Market Responsibility, p. 346, 688

PUBLIC SERVICE REGULATION, Department of, Title 38

I-III Rules for Radio Common Carriers, p. 943

REVENUE, Department of, Title 42

42.12.104 Use of Census Data, p. 506, 689

SECRETARY OF STATE, Title 44

I-VII Pertaining to Advisory Opinions, p. 508
I-III Pertaining to Fees for Filing Documents and Issuing
Certificates, p. 814
1.2.210 Adoption of An Agency Rule by Incorporation by
Reference, p. 811
1.2.211 Model Rules: Location and Incorporation by Reference,
p. 811

17-9/17/81

- 1.2.419 Filing, Compiling, Printer Pickup and Publication
Schedule for the MAR, p. 812

SOCIAL AND REHABILITATION SERVICES, Department of, Title 46

- I Medically Needy Income Standards, p. 544, 769
46.2.209 Hearing Procedure, p. 817
46.4.201 46.4.202, 203, 204 Relating to Project Funds,
Child and Youth Development Bureau, p. 552, 768
46.5.114 46.5.115, 116 Pertaining to Eligibility for Child
and Family Protective Services, Legal Termination
of Parental Rights and Central Registry Operation,
p. 820
46.5.802 46.5.803 Pertaining to the Licensing of Community
Homes for the Developmentally Disabled, p. 826
46.5.901 46.5.902, 903, 907, 908, 909, 910, 911 Pertaining
to Day Care Homes, Group Day Care Homes, and Centers,
p. 945
46.5.1001 Services Provided by Contract, Community Services
Division, p. 553, 768
46.9.101 46.9.102 Pertaining to Organization of Economic
Assistance Division, p. 554, 768
46.9.205 Standards of Assistance (Supplemental Security
Income), p. 763
46.9.302 46.9.304, 305 Pertaining to Emergency Grants-in-Aid
to Counties, p. 838
46.10.403 Table of Assistance Standards, p. 537, 769
46.12.102 Medical Assistance, Definitions, p. 544, 769
46.12.201 Medical Assistance, Eligibility Requirements, p. 544,
769
46.12.303 Billing, Reimbursement, Claims, Processing, and Pay-
ment, p. 541, 771
46.12.550 Home Health Services, Definition, p. 512, 690
46.12.2002 Physician Services, Requirements, p. 683
46.12.2003 Physician Services, Reimbursement/General Require-
ments and Modifiers, p. 412, 559

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 17

TABLE OF CONTENTS

NOTICE SECTION

	<u>Page Number</u>
<u>EDUCATION, Title 10</u>	
(Board of Public Education)	
10-3-38 Notice of Proposed Amendment of Various Rules Pertaining to Accreditation Standards of the State Schools. No Public Hearing Contemplated.	964-975
10-3-39 Notice of Proposed Amendment, Adoptions and Repeals of Rules Pertaining to Transportation No Public Hearing Contemplated.	976-1015
<u>HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16</u>	
16-2-192 Notice of Proposed Amendment of 16.28.202 Reportable Diseases. No Public Hearing Contemplated.	1016-1018
16-2-193 Notice of Proposed Amendment of 16.16.803 Fee Schedules and 16.16.804 Disposition of Fees (Subdivision Review Fees) No Public Hearing Contemplated.	1019-1022
<u>PUBLIC SERVICE REGULATION, Department of, Title 38</u>	
38-2-53 Notice of Proposed Amendment 38.5.1107 Interest on Deposits. No Public Hearing Contemplated.	1023-1024
38-2-54 Notice of Proposed Amendment 38.2.316 Transcripts. No Public Hearing Contemplated.	1025-1026
<u>SOCIAL AND REHABILITATION SERVICES, Department of, Title 46</u>	
46-2-304 Notice of Public Hearing on Proposed Adoption Rules and Amendment 46.5.912 Day Care Licensing Services, General Eligibility and Program Requirements and 46.5.913 Day Care Center Licensing Services Provided. Rules pertaining to Day Care, Group Day Care, Family Day Care	1027-1051
-i-	17-9/17/81

RULE SECTION

	<u>Page Number</u>
<u>ADMINISTRATION, Department of, Title 2</u>	
AMD 2.32.101 Incorporation by Reference of Uniform Building Code	1052
AMD 2.32.105 Incorporation by Reference of Uniform Mechanical Code	1052
AMD 2.32.302 Incorporation by Reference of Uniform Plumbing Code	1052
AMD 2.32.407 Electrical Inspection Fees	1053
AMD 2.32.202 Extent of Local Programs	1055
AMD 2.44.504 Eligibility for Disability Benefits	1056
<u>AGRICULTURE, Department of, Title 4</u>	
EMERG Rule I Suspension of All Uses of Endrin NEW	1057
<u>COMMERCE, Department of, Title 8</u>	
AMD (Board of Morticians) 40.28.402 Applications	1058
<u>EDUCATION, Title 10</u>	
(Montana Historical Society) NEW 10.121.801 Grant Proposals	1059
NEW 10.121.803 Grant Conditions	1059
NEW 10.121.804 Disbursement of Funds	1059
<u>HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16</u>	
AMD 16.28.1005 Employee - Schools - Day Care Facility (Tuberculin Testing)	1060
<u>SOCIAL AND REHABILITATION SERVICES, Department of, Title 46</u>	
AMD 46.9.205 Standards of Assistance	1061
AMD 46.12.2002 Physician Services, Requirements	1061

INTERPRETATION SECTION

	<u>Page Number</u>
Opinions of the Attorney General	
30 Traffic - Conduct "Upon the highways and Elsewhere Throughout the State"	1063-1064
31 Alcohol - Coal Board - Local Government	1065-1069

NOTICE: The July 1977 through June 1981 Montana Administrative Registers have been placed on microfiche. For information, please contact Jim Waltermire, Secretary of State, Room 202, Capitol Building, Helena, Montana, 59620.

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF PROPOSED AMENDMENT
of Chapter 55 concerning the) OF CHAPTER 55, STANDARDS OF
various accreditation stan-) ACCREDITATION
dards of the state schools)
NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons,

1. On October 18, 1981 the Board of Public Education proposes to amend various rules within chapter 55, standards of accreditation.

2. The rule proposed to be amended provides as follows:

10.55.101 ACCREDITATION PERIOD (1) Public and nonpublic schools are considered for accreditation by the board of public education in March prior to the adoption of their preliminary budgets for the ensuing school year. Recommendations for accreditation are determined by analyses of fall reports, other reports and visitation observations by supervisory personnel from the office of public instruction.

~~(2) - Schools meeting most of the recommended standards may receive consideration for accreditation for periods of up to five years by making application to the state superintendent and by completing a self-evaluation to be followed by a team visitation to review and appraise the school. - Schools may coordinate this latter phase with the Northwest Regional Accrediting Association to avoid duplication of team visitations by that association and the state superintendent's staff.~~

(302) By authority of section 20-7-102, MCA, and on the recommendation of the superintendent of public instruction, the board of public education historically has established the accreditation status of each Montana public elementary and secondary school in March of each year. Annual accreditation, therefore, occurs prior to school districts' adoption of preliminary budgets for the ensuing year and yet allows a period of time for analysis of the information on which accreditation recommendations are based. The information gathering and processing schedule commences at the beginning of the school year for which accreditation is sought and is based primarily on data provided by school districts supplemented by visitations and/or inquiries initiated by the superintendent of public instruction.

(413) It is the policy of the board of public education not to act on school accreditation in the interim between annual accreditation determinations. It is the consensus of the board that the established annual schedule provides ample opportunity both to schools and to the superintendent to prepare for annual accreditation.

(5)(4) Once annual accreditation has been established by the Board, any request from a school district for consideration of a change in its accreditation status will be entertained by the board only if it can be shown that an error occurred in reporting, interpreting or processing the data on which accreditation recommendations had been based.

(6)(5) This policy reaffirms the board's basic belief in school districts' responsibility for filing and updating any information pertinent to the accreditation process. (Auth. Sec. 20-7-101 MCA; IMP, Sec. 20-7-102, MCA.)

10.55.102 CATEGORIES OF ACCREDITATION (1) ~~Multi-year accreditation will be given a school which meets the minimum standards as herein described and~~

~~(a) exhibits evidence of having met many of the recommended standards or~~

~~(b) exhibits other evidence of operating an outstanding educational program and~~

~~(c) provides a long term plan for the continued improvement of the school's educational program. Multi-year accreditation may be granted for a period of up to five years.~~

(2)(1) Regular accreditation is awarded for a school which meets minimum standards or shows deviations from standards of a minor nature. Regular accreditation is for one year.

(2) Accredited with advice will be noted when a school exhibits serious and/or numerous deviations from minimum standards; improvement is expected within the ensuing school year.

(3) Accredited on probation will be noted when a school exhibits or continues to have serious and/or numerous deviations from standards or has substantially increased the seriousness of deviations over the previous year. The local school board and other administrative officers must adopt and submit a school improvement plan to the superintendent of public instruction. This plan must provide a systematic procedure for the correction of infractions noted.

(4)(4) A school which fails to have improved after having been accredited with advice or accredited on probation will ~~be non-accredited not be accredited~~. (Auth. Sec. 20-7-101, MCA; IMP, Sec. 20-7-102, MCA.)

10.55.108 ALTERNATIVE STANDARDS (1) Any school or school district may apply to the board of public education through the office of public instruction for permission to use an alternate for any standard, section of standards or the entire set of standards. To do so, the school administration district should indicate the educational goals or values that the current standard should provide students, then how the alternate being applied for would provide the same or improved goals or values. Permission to use an approved alternate would be granted for one year and renewable if the one-year pilot is evaluated to be workable and educationally sound by both the school or school district and the board of public education. (Auth. Sec. 20-7-101, MCA; IMP, Sec. 20-7-101, MCA.)

10.55.204. PRINCIPAL (1) The principal shall be certified in accordance with state statutes and with the policies of the board of public education.

(2) Requirements for the services of principals are determined by enrollments of schools or school districts.

(a) Any school with an enrollment of fewer than 150 students and not under the supervision of a district superintendent shall provide for supervision at a minimum average of two days per teacher per year either through the office of the county superintendent or through the shared services of elementary principals, subject area consultants and/or curriculum consultants.

(b) In any school district with a combined elementary and secondary enrollment of more than 50 but less than 150 students and where the superintendent serves as both elementary and secondary principal, the superintendent shall devote half-time to administration and supervision in both schools.

(c) In any school district where the combined elementary and secondary enrollment exceeds 150 but is less than 300, the superintendent may serve as half-time elementary or high school principal. The district must employ a half-time elementary or high school principal for the other unit in the district. The superintendent shall devote half-time as principal of the assigned school. Or, in any school district where the combined elementary and secondary enrollment exceeds 150 but is less than 300, and where the superintendent serves as both elementary and secondary principal, the district must employ a half-time administrative assistant. The administrative assistant shall be defined as a person who holds a bachelor's degree and presents evidence of working toward the administrators certificate on a planned program to be completed within 5 years of first assignment. The administrative assistant shall not supervise or evaluate staff or curriculum.

(d) Any elementary or secondary school with an enrollment of 150 to 300 shall employ a principal (in addition to the superintendent) who shall devote half-time to supervision and administration.

(e) Any school with an enrollment exceeding 300 shall employ a principal (in addition to the superintendent) who shall devote full-time to supervision and administration.

(f) Any junior or senior high school with an enrollment of over 500 students shall employ an assistant principal who shall devote at least one-half of each school day to supervision and administration.

(g) Any elementary school with an enrollment of over 650 students shall employ an assistant principal who shall devote at least one-half of each school day to supervision and administration. (Auth. Sec. 20-7-101 MCA; IMP, Sec. 20-4-4-3 MCA)

10.55.205 SUPERVISORY AND ADMINISTRATIVE TIME AND CLERICAL ASSISTANCE (1) Supervision and administration shall include a continuous inservice program for the improvement of instruction. A minimum inservice program shall consist of monthly meetings of staff devoted to instructional improvement. Teachers, supervisors and administrators shall plan together the inservice programs for curriculum development and/or instructional planning.

(Auth. Sec. 20-7-101 MCA; IMP, Sec. 20-7-101 MCA.)

10.55.302 CERTIFICATES (1) All teachers shall hold valid Montana teaching certificates. Also, administrative personnel who teach ~~also~~ shall hold teaching certificates. All supervisory personnel shall hold teaching certificates. All supervisory personnel shall hold appropriate certificates. The term "all teachers" shall be interpreted to include teachers involved in the classroom instructional activities of any federally financed program or project. An emergency authorization of employment is not a valid certificate; it is granted to a district which, under emergency conditions, cannot secure the services of a certified teacher. Neither study hall supervisors nor teacher aides need to be certified; however, an instructional aide assigned to a classroom shall be under the direct supervision of that classroom's teacher.

(2) All personnel coaching intramural or interscholastic athletics shall have successfully completed a course in first aid.

(3) In accordance with state law, salary shall be withheld from teachers who have not registered their certificates in the office of the county superintendent within 60 calendar days after their term of service begins.

(4) All teachers shall file official transcripts of all college work in the office of their chief school administrator. If there is no district superintendent or principal, the county superintendent is the chief school administrator. (Auth. Sec. 20-7-101, MCA; IMP, Sec. 20-4-101, 20-4-202 MCA.)

10.55.304 TEACHER LOAD: HIGH SCHOOL, JUNIOR HIGH SCHOOL, MIDDLE SCHOOL AND GRADES 7 AND 8 BUDGETED AT HIGH SCHOOL RATES

(1) High schools and junior high schools shall employ at least four full-time equivalent certified teachers (including library and guidance personnel) in addition to the administrator of the school.

(2) Middle schools and grades 7 and 8 budgeted at high school rates with 60 or more students shall employ at least three full-time equivalent certified teachers (including library and guidance personnel) in addition to the administrator of the school.

(3) Grades 7 and 8 budgeted at high school rates with less than 60 students shall employ two and one-half full-time equivalent certified teachers (including library and guidance personnel) in addition to the administrator of the school.

(4) Individual class size shall not exceed 30 students, except where schools are experimenting and have the approval of the state superintendent. Physical education and typing classes may have 45 students. Class size limits do not apply to instrumental music or choral groups.

(5) No teacher shall have more than 28 clock hours of assigned student responsibility per week.

(6) The number of students assigned a teacher per day shall not exceed 160. Typing and physical education classes shall be counted at two thirds of the actual enrollment. Study hall, regardless of size, shall be counted as 15 students. Student limits do not apply to instrumental music or choral groups. Library, guidance and study hall duties are assigned student responsibilities. However, in cases where a teacher is assigned full-time in these areas, the assignment may be for the entire day. (Auth. Sec. 20-7-101, MCA; IMP, Sec. 20-7-101 MCA.)

10.55.305 TEACHER LOAD: ELEMENTARY SCHOOLS (1) In multi-grade classrooms, the maximum class load shall be as set forth below:

(a) Grades kindergarten, 1, 2, and 3: 20 students.

(b) Grades 4, 5, and 6: 24 students.

(c) Grades 7 and 8: 26 students.

(2) Multi-grade classrooms that cross grade level boundaries (e.g., 3-4, 6-7) shall use the maximum of the lower grade.

(3) In single-grade rooms, the maximum class load shall be as set forth below:

(a) No more than 24 students in kindergarten.

(b) No more than 26 students in grades 1 and 2.

(c) No more than 28 students in grades 3 and 4.

(d) No more than 30 students in grades 5 through 8.

(4) In one-teacher schools, the maximum class load shall be 18 students.

(5) No teacher shall have more than 28 clock hours of assigned student responsibility per week except for one- and two-teacher rural schools. (Auth. Sec. 20-7-101 MCA; IMP, Sec. 20-7-101 MCA.)

10.55.402 BASIC INSTRUCTIONAL PROGRAM: HIGH SCHOOL, JUNIOR HIGH, MIDDLE SCHOOL AND GRADES 7 AND 8 BUDGETED AT HIGH SCHOOL RATES (1) Each district shall have in writing and on file a

process of program evaluation. Self-review of each program shall occur at least once every ten years, using the Northwest Association evaluation program or evaluative material on the district's choice.

(2) A high school shall require a minimum of 16 units for graduation including ninth grade units; however, at its discretion, a board of trustees may require additional units of credit for graduation. A unit of credit shall be given for satisfactory completion of a full-unit course. At the discretion of the local administrator, fractional credit may be given for partial completion of a course.

(3) A unit of credit is defined as being equivalent to at least 225 minutes per week for subjects without laboratory work and 250 minutes per week for subjects that require laboratory work.

(4) The following is a list of alternative procedures for earning credit. They are acceptable equivalents to the basic definition of a unit of credit. Such units of credit taken with the approval of the Montana high school in which the student was then enrolled and appearing on the student's official transcript must be accepted in any Montana high school.

(a) Satisfactory completion of the content of a course in a period of time either shorter or longer than that normally required. Criteria for successful completion shall be developed as a guide for teachers, students and parents in assuring quantity and quality of performance, regardless of time involved.

(b) In accordance with the policies of the local board of trustees, credit earned in summer classes may be applied toward graduation requirements if the summer classes are taught by properly certified teachers. This credit shall be prorated in accordance with the policies of the local board of trustees.

(c) Satisfactory completion of special courses in such programs as job corps, upward bound and armed forces schools. Credit given for satisfactory completion of such courses shall be in accordance with policies of the local board of trustees.

(d) Satisfactory completion of unconventional programs such as work study, cooperative work experience, college level courses taken in high school and others. Work study and work experience programs shall be coordinated under the supervision of a certified teacher.

(e) In accordance with the policies of the local board of trustees, a regularly enrolled student may apply toward graduation credits earned through the National University Extension Association or earned through one of the schools approved by the National Home Study Council. ~~Such units of credit taken with the approval of the Montana high school in which the student was then enrolled and appearing on the student's official transcript, must be accepted in any Montana high school.~~

(f) In accordance with the policies of the local board of trustees, credit earned in adult education classes may be applied toward graduation requirements, provided the classes have been established in accordance with state law and provided classes are taught by properly certified teachers employed by the school district.

(5) Course requirements for graduation are: ~~The board of trustees shall require the development and implementation of processes to assist staff members in assessing the educational needs of each student. Local boards of trustees may waive specific course requirements based on individual student needs and performance levels. Waiver requests also shall be considered with respect to age, maturity, interests and aspirations of the students and shall be in consultation with parents or guardians.~~

(a) Language arts: 4 units.

(b) American history: 1 unit.

(c) American government: $\frac{1}{2}$ unit. A 2-unit course in American history and American democracy, which includes a study of government, may be used to meet the American history and government requirements.

(d) Mathematics: 2 units.
(e) Laboratory science: 1 unit.
(f) Health and physical education: 1 unit. A school must offer at least a two-year program of physical education and specific instruction in health, the content to be adjusted to provide for earning one unit of credit during the two year period. Students must take health and physical education for two years. Participating in interscholastic athletics cannot be utilized to meet this requirement.

(g) The board of trustees shall require the development and implementation of processes to assist staff members in assessing the educational needs of each student. Local boards of trustees may waive specific course requirements based on individual student needs and performance levels. Waiver requests also shall be considered with respect to age, maturity, interests and aspirations of the students and shall be in consultation with parents or guardians.

(6) Units of credit earned in any Montana high school accredited by the board of public education shall be accepted in all Montana high schools.

(7) In accordance with the policies of the local board of trustees, students may be graduated from high school with less than four years' enrollment.

(8) The basic instructional program for each high school shall be at least 16 units of course work which shall include at least those given below:

(a) Language arts: 4 units. The basic minimum program in the four skills of communication (speaking, listening, reading and writing) is required each year.

(b) Social sciences: 2 units.

(c) Mathematics: 2 units.

(d) Science: 2 units.

(e) Health and physical education: 1 unit. A school must offer at least a two-year program of physical education and specific instruction in health, the content to be adjusted to provide for earning one unit of credit during the two-year period. Students must take health and physical education for two years. Participation in interscholastic athletics cannot be utilized to meet this requirement.

(f) Fine arts: 1 unit. Fine arts includes music, art, and drama.

(g) Practical arts: 2 units. Practical arts includes home economics education, industrial arts, business education and agriculture.

(h) Two electives.

(9) Basic instructional program for junior high school, middle school, and grades 7 and 8 budgeted at high school rates must offer:

(a) Language arts: 3 units in junior high and 2 units for middle school, and 7th and 8th grades.

(b) Social sciences: 3 units in junior high and 2 units in middle school and 7th and 8th grades.

(c) Mathematics: mathematics offerings are to include both algebra and general math in grade 9. 3 units in junior high and 2 units in middle school and 7th and 8th grades.

(d) Science: 3 units in junior high and 2 units in middle school and 7th and 8th grades.

(e) Health and physical education: $\frac{1}{2}$ unit each year in junior high and $\frac{1}{2}$ unit each year in middle school and 7th and 8th grades.

(f) Art: $\frac{1}{2}$ unit each year in junior high and $\frac{1}{2}$ unit each year in middle school and 7th and 8th grades.

(g) Music: $\frac{1}{2}$ unit each year in junior high and $\frac{1}{2}$ unit each year in middle school and 7th and 8th grades.

(h) Practical arts (includes home economics, industrial arts, business education and agriculture); $\frac{1}{2}$ unit each year in junior high and $\frac{1}{2}$ unit each year in middle school and 7th and 8th grades.

(10) A unit is defined as the equivalent of at least 225 minutes per week in non-laboratory courses and 250 minutes per week in courses that require laboratory work. Units in grade 9 shall be equivalent to units of credit for high school graduation requirements. (Auth. Sec. 20-7-101, MCA, IMP, Sec. 20-7-111, MCA.)

10.55.403 BASIC INSTRUCTIONAL PROGRAM: ELEMENTARY (1) An elementary school shall have a minimum educational program that includes the subject areas listed below:

(a) Language arts including reading, literature, writing, speaking, listening, spelling, penmanship and English.

(b) Arithmetic, written computation and problem solving.

(c) Science, ecology and conservation.

(d) Social sciences, including geography, history of the United States, history of Montana, agriculture and economics. Contemporary and historical traditions and values of American Indian culture may also be included.

(e) Fine arts, including music and art.

(f) Physical education.

(g) Safety, including fire prevention as outlined in state statutes.

(h) Health education.

(i) Weekly time allotments for each subject area are flexible; however, in grades 1, 2, and 3, the standard school day must consist of at least four hours. In grades 4, 5, 6, 7 and 8, the standard school day must consist of at least six hours. Daily time allotments do not include time allotted for the lunch period, and the time allotments should be scheduled to give balance to the educational program. One recess period per day may be counted toward the standard school day if a planned activity is provided during the recess. Passage time between classes may be counted toward the standard school day.

~~{j}--in grades 4, 5, 6, 7 and 8, the standard school day must consist of at least six hours. Daily time allotments do not include time allotted for the lunch period, the time allotments should be scheduled to give balance to the educational program. One recess period per day may be counted toward the~~

~~standard-school-day-if-a-planned-activity-is-provided-during-the-recess---Passage-time-between-classes-may-be-counted-toward-the-standard-school-day-~~

(2) Basic instructional course material or textbooks in the fundamental skill areas of language arts, mathematics, science and social studies must be reviewed by school district personnel at intervals not exceeding five years. All instructional materials must be sequential and, in addition, must be compatible with previous and future offerings. (Auth. Sec. 20-7-101 MCA; IMP, Sec. 20-7-111, MCA.)

10 55.404 LIBRARY MEDIA SERVICES, K-12 (1) All schools shall have a centralized catalog of all the instructional media in the school, exclusive of textbooks. This collection shall include all the print and nonprint materials as well as supporting audio-visual equipment and shall be accessible to students and teachers.

(2) Each school district shall have written policies regarding the selection, use and evaluation of materials and services and procedures for handling challenged materials. The selection and use of specific items of material, with the advice of the staff, are the responsibility of the local school board.

(3) High school, junior high school, middle school and 7th and 8th grade funded at high school rates: full-time or part-time librarian shall have a teaching certificate with a library endorsement.

(a) In schools of 100 or fewer students, the librarian shall devote a minimum of 1½ hours or two periods per day in the library.

(b) In schools of 101 to 300 students the librarian shall spend a minimum of 3 hours or three periods per day in the library.

(c) In junior and senior high schools of 301 to 500 students, the librarian shall spend full-time in the library. One library aide shall be employed for each librarian, or the services of a student librarian or volunteer aide shall be available.

(d) Junior and senior high schools of 501 students shall have a full-time librarian and additional librarians at the following ratio:

<u>Enrollment</u>	<u>Librarian</u>
501 to 1,000	1.5
1,000 to 1,500	2.0
1,500 to 2,000	2.5
2,000 to 2,500	3.0

One library aide shall be employed for each librarian, or the services of a student librarian or a volunteer aide shall be available.

~~(e)--One-library-aide-shall-be-employed-for-each-librarian, or-the-services-of-a-student-librarian-or-a-volunteer-aide-shall-be-available---~~

(4) Elementary schools with four or more teachers must assign a teacher with a minimum of nine credit hours in professional library training at a ratio of one full-time librarian to 800 students or a minimum of one hour per day, whichever is greater. In school districts employing a certified teacher with a library endorsement, trained para-professional under the direct supervision of this librarian may be employed to meet this requirement.

(5) The library media collection shall include instructional items in numbers sufficient to meet staff and student needs. (Instructional items refer to all print and nonprint media owned by the school district including reference materials, periodicals, newspapers and materials held in the district instructional media centers.) The items shall be selected to represent as nearly as possible all areas of the curriculum at the appropriate reading level and interests of the students.

(6) After a school library has assembled the minimum collection, the annual expenditure for the library collection, exclusive of textbooks and audiovisual materials, must meet the minimum expenditures given below:

Funding: high school, junior high
school, middle school and 7th and
8th grade funded at high school
rates

50 or fewer	\$ 900
51-100	1,440
101-200	1,800
201-500	3,600 (\$9.00)
501-1,000	5,400 (\$7.20)
1,001-1,800	7,200 (\$6.30)
1,801 +	10,800 (\$5.40)

A minimum of \$1.80 per student shall
be expended for media software.

Funding: Elementary

300 or fewer	\$8.10 per student or \$180, whichever is greater.
Over 300	\$2,430 plus \$4.50 per student over 300 enrollment.

A minimum of \$1.80 per student shall
be expended for media software.

(7) The staff shall provide students with instruction in
the use of the media.

(8) Provision shall be made for work areas and individual
study areas for viewing, listening and recording.

(9) The library shall be open on all instructional days for
student and teacher use during all periods of the school day as
well as immediately preceding and following regular school (Auth.
Sec. 20-7-101 MCA; IMP, Sec. 20-7-202 MCA.)

10.55.406 GUIDANCE AND COUNSELING: HIGH SCHOOL, JUNIOR HIGH
SCHOOL, MIDDLE SCHOOL, AND 7th AND 8th GRADES FUNDED AT HIGH
SCHOOL RATES

(1) Each full-time counselor and part-time coun-
selor shall have a valid Montana teaching certificate and have
at least 30 quarter hours (20 semester hours) preparation in
guidance. (Effective for the 1986-87 school year, a ~~high-school~~
counselor will need an endorsement based on a minimum of a minor
and three years experience as a certified classroom teacher.)

(2) A minimum equivalent of one full-time counselor for
each 400 students shall be provided. All schools must have a
counselor assigned for at least one hour a day or five hours per
week.

(3) A separate room specifically designed for guidance and
counseling shall be provided.

(a) Adequate space and facilities for clerical assistance
shall be provided.

(b) A guidance library shall be provided which is available
to all students. (Auth. Sec. 20-7-101 MCA; IMP, Sec. 20-7-101,
MCA.)

3. The rules are proposed to be amended to correct gram-
matical errors and clarify the intent of the board of public
education.

4. Interested parties may submit their data, views or argu-
ments concerning the proposed amendments in writing to Mr. Allen
D. Gunderson, 33 South Last Chance Gulch, Helena, Montana 59620,
no later than October 15, 1981.

5. If a person who is directly affected by the proposed
amendment wishes to express his data, views and arguments orally
or in writing at a public hearing, he must make written request
for a hearing and submit this request along with any written com-
ments he has to Mr. Allen D. Gunderson, 33 South Last Chance

Gulch, Helena, Montana 59620, no later than October 17, 1981.

6. If the agency receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed amendment; from the Administrative Code Committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 25 persons based on the number of teachers and school administrators in the state of Montana.

7. The authority and implementing sections are listed at the end of each rule.

Allen D. Gunderson

ALLEN D. GUNDERSON, CHAIRMAN
BOARD OF PUBLIC EDUCATION

by

Archie Van Dym

Assistant to the Board

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the amend-	)	NOTICE OF PROPOSED AMENDMENT,
ment, addition and repeal of	)	ADDITIONS AND REPEALS OF ARM
rules in Section 64, sub-	)	SECTION 64, TRANSPORTATION
chapters 3 and 4 concerning)	
school bus standards	)	NO HEARING ANTICIPATED

TO: All Interested Persons,

1. On October 18, 1981 the Board of Public Education proposes to amend, add to, or repeal the rules in Section 64, sub-chapters 3 and 4, Minimum Standards for School Buses - Bus Chassis and Minimum Standards for School Buses - The Bus Body.

2. The rules proposed to be amended are as follows:

10.64.301 DEFINITIONS (1) A school bus is defined in Section 61-1-116, MCA, as "every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from the school."

(2) But for certain noted exceptions, the minimum standards which follow apply to all types of school buses:

(a) Type I A

(i) conventional-type-body-on-chassis-vehicles-having-an-official-rated-seating-capacity-of-17-or-more-pupil-passengers, conversion or body constructed upon a van-type compact truck or a front-section vehicle, with a gross weight rating of 10,000 pounds or less, designed for carrying more than 10 persons.

(ii) transit-and-metropolitan-types-of-vehicles-having-an-official-rated-seating-capacity-of-17-or-more-pupil-passengers.

(b) Type II--all-vehicles-having-a-seating-capacity-to-and-including-16-pupil-passengers. B

(i) conversion or body constructed and installed upon a van or front-section vehicle chassis, or stripped chassis, with a vehicle weight rating of more than 10,000 pounds, designed for carrying more than 10 persons. Most of the engine is beneath and/or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels.

(c) Type C

(i) body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than 10 persons. All of the engine is in front of the windshield and the entrance door is behind the

front wheels.

(d) Type D

(1) body installed upon a chassis, with the engine mounted in the front, midship, or rear, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than 10 persons. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the bus, behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels.

(3) In those instances when the basic minimum standard applies only to the conventional type body on chassis vehicles, minimums applicable to transit and metropolitan types of vehicles are stated as exceptions. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111.)

10.64.302 AIR CLEANER (1) Bus shall be equipped with adequate oil bath, dry element, or equivalent air cleaner mounted outside passenger compartment. The engine intake air cleaner shall be furnished and properly installed by the chassis manufacturer to meet engine specifications. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111.)

10.64.303 AXLES (1) Front axle or other type of suspension assembly shall be of sufficient capacity at ground to support such load on front axle as would be imposed by actual average gross vehicle weight. The front and rear ends including suspension assemblies shall have a gross vehicle weight rating at ground at least equal to that portion of the load as would be imposed by the chassis manufacturer's maximum gross vehicle weight rating.

(2) Rear axle shall be full floating type. Rear axle or other type of suspension assembly shall have gross weight rating at ground equal to or exceeding that portion of total load which is supported by rear suspension assembly. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111.)

10.64.306 BRAKES (1) Four wheel brakes, adequate at all times to control bus when fully loaded, shall be provided in accordance with Federal Motor Vehicle Safety Standards (issued by National Highway Safety Bureau, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20591).

(a) Service brake system shall be designed and constructed so that by application of single control unit, vehicle can be stopped within distances specified in (i) and (ii) below. Stopping distance requirement tests shall be conducted in accordance with SAR-J658 (Service Brake Performance, recommended practice of Society of Automotive Engineers) and with vehicle loaded (MGVW - manufacturer's gross vehicle weight).

(i) Brakes shall be designed to have capability of developing deceleration of 14 fpsps (feet per second per second) from speed of 20 mph at pedal effort of not more than 75 pounds.

(ii) stopping distance test with brakes cold shall be conducted after proper conditioning according to SAE J880 (Brake Rating System Test Code--Commercial Vehicles, recommended practice of Society of Automotive Engineers) and vehicle shall stop from speed of 20 mph, within following distances at pedal effort of not more than 200 pounds:

(A)--10,000 pounds GVW and under-----25 feet

(B)--over 10,000 pounds GVW-----35 feet

(iii) brake balance shall be such that, when tested at speed of 20 mph under any normal condition of loading within MGWV (manufacturer's gross vehicle weight), deceleration of 12 fps² (feet per second per second) can be achieved without locking wheels on any axle.

(b)--Energy absorption capability of brakes, when tested in accordance with procedure established by SAE J880 or equivalent, shall be not less than 12 + $\frac{1.46\text{GVW}}{1000}$.

(c)--Travel reserve of air brake actuator or hydraulic brake pedal--Brake actuator travel, when measured statically at actuating force required for compliance with part (1)(a)(ii) of this rule above, shall be not more than 60 percent of available travel.

(d)--Reservoirs are required in every brake system which employs air or vacuum and shall include the following reservoir capacity:

(i)--air brake system shall have reservoir capacity which is equal to or greater than 12 times the total volume of all brake actuators at full travel.

(ii) vacuum brake system shall have reservoir used exclusively for brakes, with capacity of not less than 1,000 cubic inches, and shall be adequate to insure loss in pressure at full stroke application of not more than 30 percent.

(iii) brake system shall include suitable and convenient connection for installation of separate vacuum reservoir with capacity of not less than 1,000 cubic inches, furnished and installed by body manufacturer and protected by check valve, for actuation of other vacuum-powered accessories--Engine shall be protected by proper filters.

(e)--Lines supplying power to air or vacuum system reservoirs shall be safeguarded through proper design and bracing to protect from excessive heat and vibration--Brake system reservoir shall be also safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the back or failure.--(Uniform Vehicle Code, 1968 revision, Section 12-301, (1), (3)). Means shall be provided to establish air check valve to be in working order.--(Motor Carrier Safety Regulations, as amended to January 1, 1968, paragraph 393.50; (b), issued by Bureau of Motor Carrier Safety, U.S. Department of Transportation, Washington, D.C.--20591)--

(f) - A vehicle using air with illuminated gauge, accurate to within 10 percent of actual reservoir pressure, will indicate to driver, in case of

(i) - air brakes - pressure in psi (pounds per square inch) which is available for operation of brakes; or --

(ii) - vacuum brakes - vacuum in inches of mercury which is available for operation of brakes.

(g) - In addition to gauges required in (f) above, vehicle shall be equipped with a warning signal, readily audible or visible to driver, which will give continuous warning to driver when, in case of

(i) - air brakes - air pressure in system available for -- braking is 60 psi (pounds per square inch) and less; or

(ii) - vacuum brakes - vacuum in system available for braking is 3 inches of mercury and less.

(2) - Brake system(s) shall perform emergency stopping function and be so designed and constructed that single failure anywhere in brake system which performs service brake function, excepting mechanical parts of wheel brake assemblies and brake and brake pedal attachment to brake valve(s) or master cylinder(s), will not leave vehicle without operative brakes capable of stopping vehicle when loaded up to and including manufacturer's rated GVW (gross vehicle weight) at any legal speed and in accordance with requirements of (a) and (b) below.

(a) - Following performance shall be obtained under road and test conditions outlined in (1)(a) above:

(i) - vehicle, when loaded to manufacturer's GVW (gross vehicle weight) capacity, shall be brought to stop from speed of 20 mph in measured distance of 85 feet or as may be modified by the Federal Motor Vehicle Safety Standards.

(ii) - deceleration of not less than 6 fpps (feet per second - per - second) shall be maintained throughout stop from 20 mph.

(b) - Control of emergency stopping system shall be designed and constructed:

(i) - to permit modulated control by driver or brake application and release; and --

(ii) - to prevent release of brakes on air brake models by driver unless energy is available for re-application.

(3) - Parking brake system shall be designed and constructed to meet following requirements: --

(a) - Parking brake shall hold vehicle stationary, or to limit of traction of braked wheels, on 20 percent grade under any condition of legal loading and on surface free from snow, ice, and loose material.

(b) - When applied, parking brake shall remain in applied position with capability set forth in (3)(a) above, despite exhaustion or source of energy used for application or despite leakage of any kind.

(1) A braking system, including service brake and parking brake, shall be provided.

(2) Buses using air or vacuum in the operation of the brake system shall be equipped with warning signals, readily audible and visible to the driver, that will give a continuous warning when the air pressure available in the system for braking is 60 psi (pounds per square inch) or less or the vacuum in the system available for braking is eight (8) inches of mercury or less. An illuminated gauge that will indicate to the driver the air pressure in pounds per square inch or the inches of mercury vacuum available for the operation of the brakes shall be provided.

(a) Vacuum-assist brake systems shall have a reservoir used exclusively for brakes that shall be adequate to ensure loss in vacuum at full stroke application of not more than 30 percent with the engine not running. Brake system on gas-powered engines shall include suitable and convenient connections for the installation of a separate vacuum reservoir.

(b) Any brake system dry reservoir shall be so safeguarded by a check valve or equivalent device, that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored dry air or vacuum shall not be depleted by the leakage or failure.

(3) Buses using a hydraulic assist-booster in the operation of the brake system shall be equipped with warning signals, readily audible and visible to the driver, that will provide continuous warning in the event of a loss of fluid flow from primary source.

(4) The brake lines and booster-assist lines shall be protected from excessive heat and vibration and be so installed as to prevent chafing. (Auth. Sec. 20-2-121, MCA; IMP Sec. 20-10-111.)

10.64.307 BUMPER, FRONT (1) Front bumper shall be furnished by chassis manufacturer as part of chassis and shall meet Federal Motor Vehicle Safety Standards.

(2) Front bumper shall extend to outer edges of fenders at bumper top line (to assure maximum fender protection) and be of sufficient strength to permit pushing vehicle of equal gross weight without permanent distortion to bumper, chassis, or body beyond forward-most part of the body, grille, hood, and fenders and shall extend to outer edges of fenders at bumper top line.

(3) Front bumper, except breakaway bumper ends shall be of sufficient strength to permit pushing a vehicle of equal gross vehicle weight without permanent distortion to bumper, chassis, or body.

(4) Exceptions: Transit (Type D) front bumpers shall be furnished by body manufacturer. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111.)

10.64.309 CERTIFICATION (1) Chassis manufacturer will, upon request, certify to the Superintendent of Public Instruction state agency having pupil transportation jurisdiction that their product meets minimum standards on following items covered by certification issued under requirements on National Traffic and Motor Vehicle Safety Act: items not covered by certification issued under requirements of the National Traffic and Motor Vehicle Safety Act.

- (a) -- axles,
- (b) -- brakes,
- (c) -- exhaust system noise level,
- (d) -- horn,
- (e) -- power and gradeability, and
- (f) -- springs.

(Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.310 CLUTCH (1) All chassis of 48 through 60 pupil capacity having mechanical type transmission shall be equipped with clutch of 12 inch minimum diameter. Chassis of 66 pupil capacity and greater having mechanical type transmission shall be equipped with clutch of 13 inch diameter or clutch of equivalent performance. Clutch torque capacity shall be equal to or greater than the engine torque output. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.311 COLOR (1) Chassis, including wheels and front bumper, shall be black. (Federal Standard No. 595a, black enamel no. 17038. Color chips are available from General Services Administration, Specifications Sales, Building 197, Washington Navy Yard, Washington, D.C. 20407.) Hood, cowl, and fenders shall be in national school bus chrome yellow. (Federal Standard No. 595a, chrome yellow enamel no. 13432. Color chips are available from source given above.)
(2) The color known as national school bus chrome was designated as such by the 1939 National Conference on School Bus Standards. The National Bureau of Standards of the U.S. Department of Commerce assisted in developing this color and its colorimetric specifications, as follows:-

C.I.E.		Daylight	Dominant	Excitation
Chromaticity	reflectance	wavelength	purify	
coordinates	Y-(%)	(in millierons)	P-(%)	
-x- -y-	max:std:min-	max:std:min-	max:std:min-	
.5211-.4529	.00-.41-.40	584.5-583.5-582.5	-.93.7-.89	0-0-

~~(3) Available from the General Services Administration, Specification Sales, Building 197, Washington Navy Yard, Washington, D.C. 20497, are copies of Federal Specification TT-E-489e entitled Enamel, Alkyd, Gloss (for exterior and interior surfaces). This document gives technical requirements, sampling, inspection, and test procedures, preparation for delivery instruction, and other information needed by paint manufacturers supplying specific colors of paint.~~

Specification for standard color will be as follows:

For Source C		Reflectance Y (%)	Reflectance Tolerances	
CIE Chromaticity Coordinates			Upper	Lower
x	y			
.5089	.4408	40.14%	41.77%	34.45%

(2) EXCEPTION: Hood may be painted low-luster yellow.
(Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.312 DRIVE SHAFT (1) Drive shaft shall be protected by metal guard or guards to prevent it from around the circumference end of the drive shaft to reduce the possibility of it whipping through floor or dropping to the ground if broken. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.313 ELECTRICAL SYSTEM (1) Chassis manufacturer shall install readily accessible electrical terminal so that body and chassis electrical load can be recorded through chassis ammeter without dismantling or disassembling chassis component. Chassis wiring system to terminal shall have minimum 100-ampere capacity. Chassis ammeter and wiring shall be compatible with generating capacity, and ammeter shall be capable of recording continuous draw of 100 amperes.

(1) Battery

(a) Storage battery shall have a minimum cold cranking capacity rating equal to the cranking current required for 30 seconds at 0° Fahrenheit (-17.8c) and a minimum reserve capacity rating of 120 minutes at 25 amp. Higher capacities may be required dependent upon optional equipment and local environmental conditions.

(b) When a battery is to be mounted by the body manufacturer on a sliding tray as opposed to the standard installation provided by the chassis manufacturer, the battery shall be temporarily mounted on the chassis frame by the chassis manufacturer. In this case the final location of the battery and the appropriate cable lengths shall be according to the SBMI Design Objectives Booklet, 1980 edition

(2) Generator or Alternator

(a) Type A bus shall have a minimum 60 ampere per hour alternator.

(b) Type B bus shall have a minimum 80 ampere per hour alternator.

(c) Type C and D buses shall have a generator or alternator with a minimum rating of at least 80 amperes (in accordance with Society of Automotive Engineers rating) with minimum charging of 30 amperes at manufacturer's recommended engine idle speed (12 volt system), and shall be ventilated and voltage-controlled and, if necessary, current controlled.

(d) Type A, B, C, and D buses, equipped with an electrical power lift, shall have a minimum of 100 ampere per hour alternator.

(e) Direct-drive generator or alternator is permissible in lieu of belt drive. Belt drive shall be capable of handling the rated capacity of the generator or alternator with no detrimental effect on other driven components.

(f) Refer to SBMI Design Objectives, May 1980 edition, for estimating required generator or alternator capacity.

(3) Wiring

(a) All wiring shall conform to current applicable recommended practices of the Society of Automotive Engineers.

(b) All wiring shall use a standard color and/or number coding and each chassis shall be delivered with a wiring diagram that coincides with the wiring of the chassis.

(c) Chassis manufacturer shall install a readily accessible terminal strip or plug on the body side of the cowl, or at accessible location in engine compartment of vehicles designed without a cowl, that shall contain the following terminals for the body connections:

(i) main 100 amp body circuit

(ii) tail lamps

(iii) right turn signal

(iv) left turn signal

(v) stop lamps

(vi) back up lamps

(vii) instrument panel lights (rheostat controlled by headlamp switch). (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.314 EXHAUST SYSTEM (1) Exhaust pipe, muffler, and tailpipe shall be outside bus body compartment and attached to chassis. Entire system shall be free of leaks.

(2) Tailpipe shall be constructed of seamless-~~or electrically~~ a corrosion-resistant welded tubing of at least equal in strength and durability to 16-gauge steel ~~or equivalent and shall extend to but not extend beyond rear bumper.~~

(3) Size-of-tailpipe-shall-not-be-reduced-after-it-leaves muffler. Tailpipe shall

(a) Extend beyond rear axle and shall extend at least 5 inches beyond chassis frame and be mounted outside of chassis frame rail at end point or

(b) Shall extend to, but not beyond the body limits on the left side of the bus, behind the driver's compartment.

(4) Exhaust-system-shall-be-properly-insulated-from-fuel tank-and-tank-connections-by-securely-attached-metal-shield-at any-point-where-it-is-12-inches-or-less-from-tank-or-tank-connections. EXCEPTION: The exhaust system on vehicles designed for the transportation of special education pupils shall be routed to the left of the right frame rail to allow for the installation of a lift on the right side of the vehicle.

(5) Noise-level-shall-not-exceed-125-sones-as-measured-by Beranek-Armour-ATA-Equivalent-Tone-Method-(Automobile-Manufacturers-Association,-320-New-Center-Building,-Detroit, Michigan--48202). Exhaust system on gas-powered chassis shall be properly insulated from fuel tank connections by a securely attached metal shield at any point where it is 12 inches or less from tank or tank connections.

(6) Muffler shall be constructed of corrosion-resistant material.

(7) --In-forested-areas-each-side-upturned-exhaust-pipes-will-be-used-if-required. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.315 FENDERS, FRONT (for Type C vehicles)(1) The total spread of outer edges of front fenders, measured at fender line, shall exceed total spread of front tires when front wheels are in straightahead position.

(2) Front fenders shall be properly braced and free from any body attachment.

(3) Chassis-sheet-metal-shall-not-extend-beyond-rear-face of-cowl. EXCEPTION: Standard not applicable to Types, A, B, and D vehicles.

(4) --Standard-in-(1),-(2)-and-(3)-above-does-not-apply-to-transit-and-metropolitan-vehicles. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.316 FRAME (1) Frame or equivalent shall be of such design as to correspond at least to standard practice for trucks of same general load characteristics which are used for severe-highway service.

(2) When-frame-side-members-are-used-they-shall-be-of-one-piece-construction.--If-frame-side-members-are-extended,-such extension-shall-be-designed-and-furnished-by-chassis-or-body manufacturer-with-his-guarantee,-and-installation-shall-be made-by-either-chassis-or-body-manufacturer-and-guaranteed-by company-making-installation.--Extensions-of-frame-lengths-are permissible-only-when-such-alterations-are-behind-rear-hanger of-rear-spring-and-shall-not-be-for-purpose-of-extending-wheel-

base. Any secondary manufacturer that modifies the original chassis frame shall guarantee the performance of workmanship and materials resulting from such modification.

(3) Holes in top or bottom flanges of frame side rail shall not be permitted except as provided in original chassis frame. There shall be no welding to frame side rails except by chassis or body manufacturer. Any frame modification shall not be for the purpose of extending the wheelbase.

(4) There shall be no trailer hitches, ball or pin type, attached to buses. Holes in top or bottom flanges of frame side rail shall not be permitted except as provided in original chassis frame. There shall be no welding to frame side rails except by chassis or body manufacturer.

(5) Frame lengths shall be provided in accordance with SMBI Design Objectives, May 1980 edition.

(6) There shall be no trailer hitches, ball or pin type, attached to buses. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.318 FUEL TANK (1) Fuel tank or tanks of minimum capacity of 30 gallons with a 25 gallon actual draw shall be provided by the chassis manufacturer and be mounted directly on right side of chassis frame, filled and vented entirely outside body. It/they shall be filled and vented to the outside of the body, the location of which shall be so that accidental fuel spillage will not drip or drain on any part of the exhaust system.

(2) Tank shall conform to section 393-65, subsections (f) through (g) and (j) through (l) of Motor Carrier Safety Regulations (Motor Carrier Safety Regulations as amended through September 1969, issued by Bureau of Motor Carrier Safety, U.S. Department of Transportation, Washington, D.C. 20591) with reference to material and method of construction, fitting design(s) and locations, fill pipe design, air and safety vents, pressure relief, and drop tests, rupture, spillage restrictions, and safety vent.

(3) Fuel filter with replaceable element shall be installed between fuel tank and carburetor.

(4) Fuel tank, fittings or lines, shall not extend above top of chassis frame rail.

(5) If tank sizes other than 30 gallons are supplied, location of front of tank and filler spout must remain as specified below. (Note: Measurements shown below are for guidance of chassis manufacturers and serve only to prevent need for relocating the original tank. Inspectors concerned with state or local approval of vehicle need not consider them unless tank does not fit.)

(a) Tank shall not extend in height above side member of chassis.

(b)--Distance from center line of chassis to outside of tank shall not be more than 39 inches.
 (c)--Bottom of tank shall not be more than 14 inches below top of frame or below outer body panel.
 (d)--Distance from cowl to front of tank shall be 42 inches minimum.

(e)--Distance from cowl to center of fill pipe cap shall be 57 inches.

(f)--Distance from center line of chassis to center of fill pipe cap shall be 44 inches with plus or minus tolerance of 1/2 inch permitted.

(g)--Center of fill pipe cap shall be 1 inch below top of frame with plus or minus tolerance of 1/4 inch permitted.

(2) No portion of the fuel system which is located to the rear of the engine compartment, except the filler tube, shall extend above the top of the chassis frame rail. Fuel lines shall be mounted to obtain maximum possible protection from the chassis frame.

(3) Fuel filter with replaceable element shall be installed between fuel tank and engine.

(4) Fuel tank installation shall be in accordance with SBMI Design Objectives, May 1980, edition.

(5) If a tank size other than 30 gallon is supplied, location of front of tank and filler spout must remain as specified SBMI Design Objectives, May 1980 edition. Exception: On vehicles constructed for transporting handicapped pupils, the fuel tank may be mounted on left chassis rail or behind rear wheels.

(6) Auxiliary tank may be added, in accordance with SBMI Design Objectives, May 1980 edition. (Auth. Sec. 20-2-121, MCA; IMP. Sec. 20-10-111, MCA.)

10.64.321 GOVERNOR (1) An engine governor is permissible, and where used shall be set at manufacturer's recommended maximum engine speed. However, when it is desired to limit road speed, road speed governor should be installed.

(2) For transit and metropolitan vehicles, when engine is remotely located from driver, governor shall be installed to limit engine speed to maximum revolutions per minute recommended by engine manufacturer, or tachometer shall be installed so engine speed may be known to driver. (Auth. Sec. 20-2-121, MCA; IMP. Sec. 20-10-111, MCA.)

10.64.322 HEATING SYSTEM, PROVISION FOR (1) Chassis engine shall provide inlet and outlet holes in accessible locations for attachment of bus heating system water lines. (Also see Heaters, rule 10-64-414.) The engine shall have openings for

the purpose of supplying hot water for the bus heating system. The opening shall be suitable for attaching 3/4 inch pipe thread/hose connector. The engine shall be capable of supplying water have a temperature of at least 170° F at a flow rate of 50 pounds per minute at the return end of 30 feet of one inch inside diameter automotive hot water heater hose. (SBMI Standard No. 001-Standard of Code for Testing and Rating Automotive Bus Hot Water Heating and Ventilating Equipment, May 1980 edition.) (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.322 HORN (1) Bus shall be equipped with horn or horns of standard make, each horn capable of producing complex sound in band of audiofrequencies between approximately 250 and 2,000 cycles per second ~~and having total sound level of 110 decibels within these frequency limits when measured at point on axis of horn 3 feet from exit of horn.~~ and tested per society of automotive engineers standard J-377.

(2) ~~Sound level measurements shall be made with meter that complies with American National Standard S1.4-1961 or current revision thereof, as promulgated by American National Standards Institute (1430 Broadway, New York, New York 10018). Measure ment shall be made with meter set to flat response (6-weighting network). Must be audible for 200 feet.~~

(3) ~~Sound level measurements shall be made with horn or horns installed on bus. There shall be no reflecting walls or obstacles other than ground and vehicle closer than 100 feet from horn during sound level measurements.~~

(4) ~~If louder horn is desired, it shall be capable of producing sound level of 120 decibels under conditions specified above. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)~~

10.64.324 INSTRUMENTS AND INSTRUMENT PANEL (1) Chassis shall be equipped with the following instruments and gauges (lights in lieu of gauges are not acceptable except as noted):

(a) Speedometer

(b) Odometer which will give accrued mileage including tenths of miles.

(c) ~~Ammeter with graduated charge and discharge, both ammeter and its wiring to be compatible with generating capacities and capable of handling continuous current draw of 100 amperes; Voltmeter~~

(i) Ammeter with graduated charge and discharge with ammeter and its wiring compatible with generating capacities is permitted in lieu of voltmeter.

(d) ~~Voltmeter with graduated scale; Oil-pressure gauge.~~

(e) ~~Oil-pressure gauge; Water-temperature gauge.~~

(f) ~~Water-temperature gauge; Fuel gauge.~~

(g) ~~Fuel gauge; Upper beam headlight indicator.~~

(h) ~~Upper beam headlamp indicator; and Brake indicator gauge (vacuum or air).~~

(i) Light indicator in lieu of gauge permitted on vehicle equipped with hydraulic-over-hydraulic brake system.

~~(1) Air-pressure-or-vacuum-gauge,-where-air-or-vacuum-brakes-are-used,-and-audible-low-pressure-indicator-to-warn-driver-if-air-pressure-in-air-brake-system-falls-below-60-pounds-per-square-inch--(See-rule-10-64-306-) Turn signal indicator.~~

~~(j) Automatic transmission selector.~~

~~(2) All instruments shall be easily accessible for maintenance and repair.~~

~~(3) Above instruments and gauges shall be mounted on instrument panel in such manner that each is clearly visible to driver in normal seated position-in accordance with SBMI Design Objectives, May 1980 edition.~~

~~(4) Instrument panel shall have lamps of sufficient candle-power to illuminate all instruments and gauges- and shift selector indicator for automatic transmission. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)~~

10.64.325 OIL FILTER (1) Oil filter of replaceable element or cartridge type shall be provided and shall be connected by flexible oil lines if it is not of built-in or engine-mounted design. Oil filter shall have oil capacity of approximately at least 1 quart. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.326 OPENINGS (1) All openings in floorboard or firewall between chassis and passenger-carrying compartment, such as for gearshift level and auxiliary-brake parking brake lever, shall be sealed unless altered by body manufacturer. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.329 PASSENGER LOAD (1) Average-actual-GVW-(gross-vehicle-weight) gross vehicle weight (GVW) is the sum of the average chassis weight, plus average body weight, plus 150-pounds for the driver's weight, plus total seated pupil weight (based on 120-pounds-per-pupil).

(a) For purposes of calculation, the driver's weight is 150 pounds.

(b) For purposes of calculation, the pupil weight is 120 pounds.

(2) Recommended-chassis-manufacturer's-rated-GVW-(gross-vehicle-weight)-is-weight-assigned-to-complete-vehicle--(Weights-assigned-for-each-pupil-capacity-classification-are-shown-in-table-under-rule-10-64-330-) Actual Gross Vehicle Weight (GVW) shall not exceed the chassis manufacturer's gross vehicle weight rating (GVWR) for the chassis.

(3) Manufacturer's gross vehicle weight rating shall be furnished in duplicate by manufacturer to the Superintendent of Public Instruction. Manufacturer's gross vehicle weight rating shall be furnished in duplicate (unless more are requested) by manufacturer to the state agency having pupil transportation jurisdiction. State agency shall, in turn, transmit such ratings to each other state agency responsible for development or enforcement of state standards for school buses. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.330 POWER AND GRADEABILITY (1) ~~Chassis must be se-geared and powered as to be capable of surmounting 3.7 percent grade at speed of 20 miles per hour with full load (see Passenger Load, rule 10-64-329, on continuous pull in direct drive).~~

(2) ~~The following figures are based on achieving 3.7 percent grade at 20 mph in direct drive using 1.5 rolling resistance (1.2 for buses having seating capacity of 68 or more pupils), 150-pound driver, 120-pound pupil; and 7:17:1 to 7:2:1 rear axle ratio. (Best performance level will be obtained with slowest available axle ratio [for instance, 7:17:1 or 7:2:1]. If conditions permit higher geared top road speed, changing to faster axle ratio [for instance, 6:2:1] will reduce engine rpm and therefore reduce available hp at any given road speed. Result will be reduced level of performance.) For 36 pupil capacity, rear axle ratio is 6:16:1 or higher.~~

The following graph is proposed to be deleted.

Chassis size/capacity -	-36-	-42-	-48-	-54-	-60-	-66-	-73-
Recom-mended manu-facturer's rated GWW	15,000	17,000	17,000	19,000	21,000	22,000	27,000
a)calculated avg. GWW (120 lb. per pupil	13,800	15,800	16,700	18,000	20,100	21,600	26,500
						*	**

- the following graph continues to be deleted.

Chassis size/ capacity							
b) Min. net HP re- quired @20 mph at eng. RPM	42.6 1368	48.6 1368	51.5 1325	55.4 1325	61.9 1267	66.5 1267	76.9 1206
2a) est. part of GVW front axle*	3,698	5,056	4,625	4,860	5,680	5,724	8,650
b) % est. wt., front axle	26.8	32	27.7	27	26.3	26.5	32.6
c) ext. part of GVW rear axle*	10,102	10,744	12,074	13,140	14,420	15,836	17,850
3. Recom- mended tire size (w/tube) (ply rating)	7.50-20 8 or 10	7.50-20 8 or 10	8.25-20 10	8.25-20 10	9.00-20 10	9.00-20 10	10.00-20** 12
a) rim size (w/tube) Pre- ferred alter- nate	6.0	6.0	6.5 6.0	6.5 6.0	7.0 6.5	7.0 6.5	7.5 7.0
4. Motor speed (RPM) neces- sary to attain road speed of 55 mph with gear ratio shown	6.8-1 3522	6.8-1 3522	6.8-1 3516	6.8-1 3516	6.8-1 3223	6.8-1 3223	6.8-1 3110

~~School-bus-operators-should-follow-current-recommended-tire-inflation-tables-of-Tire-&-Rim-Association.-~~

~~*Approximate-weights-on-axes-are-calculated-by-formula which-does-not-provide-for-reserve-capacity.~~

~~**The-calculations-in-this-column-are-for-the-73-pupil capacity-pusher-school-bus-but-are-not-intended-to-limit-the use-of-a-forward-control-transit-school-bus.~~

~~(3)--The-following-is-the-formula-for-calculating-power-and-gradeability--~~

~~G---33750-x-H-P- -1.5-(for-buses-having-seating-capacity
---GVW-x-MPH----- up-to-and-including-67-pupils)-~~

~~or~~

~~1.2-(for-buses-having-seating-capacity--
 of-68-or-more-pupils)-~~

~~Where G--Grade-in-percent~~

~~H-P--Certified-net-horsepower-delivered-at-road-speed--~~

~~G-V-W--Gross-vehicle-weight--see rule 10.64.329(2)~~

~~M-P-H--Miles-per-hour-vehicle-is-driven~~

~~Rolling-resistance--1.5-or-1.2-(depending-on-seating-capacity-of-bus)-~~

~~(1) Gross Vehicle Weight (GVW) shall not exceed 185 pounds per net published horsepower of the engine at the manufacturer's recommended maximum number of revolutions per minute. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)~~

10.64.331 SHOCK ABSORBERS (1) Bus shall be equipped with front and rear double-acting shock absorbers compatible with manufacturer's rated axle capacity at each wheel location. (Auth. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.333 SPRINGS (1) Springs or suspension assemblies shall be of ample resiliency under all load conditions and of adequate strength to sustain loaded bus without evidence of overload. Capacity of springs or suspension assemblies shall be commensurate with chassis manufacturer's gross vehicle weight rating.

~~(2) Springs or suspension assemblies shall be designed to carry their proportional share of gross vehicle weight in accordance with requirement for weight distribution as shown in rule 10.64.339.-~~

~~(3)(2) If rear springs are used, they shall be of progressive type.~~

~~(4)--If leaf-type front springs are used, stationary eyes-~~

~~shall be protected by full wrapper leaf in addition to main leaf.~~ (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.334 STEERING GEAR (1) Remains the same.
(2) Remains the same.
(3) Remains the same.
(4) Remains the same.
(5) Power steering is permissible optional. if approved by chassis manufacturer.
(6) The steering system shall be designed to provide for means for lubrication of all wear-points. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.335 TIRES AND RIMS (1) ~~Tire sizes as shown in table in rule 10.64.330(2) shall be the minimum requirements, and there shall be a minimum of 1/32 inch tread on all tires.~~ Tires and rims of proper size and tires with load rating commensurate with chassis manufacturer's gross vehicle weight rating shall be provided.
(2) ~~Rim sizes shall be based upon current standards of Tire and Rim Association. (Current standards may be obtained from Tire and Rim Association, Comand Building, 34 North Hawkins Avenue, Akron, Ohio 44313, or from tire manufacturers.)~~ Dual rear tires shall be provided on Type B, Type C, and Type D school buses.
(3) ~~Total weight imposed on any tire shall not be greater than the current standard of Tire and Rim Association.~~ All tires on any given vehicle shall be of same size and ply rating.
(4) ~~Dual rear tires or wide single equivalents shall be provided on all vehicles.~~ If vehicle is equipped with spare tire and rim assembly, it shall be of the same size as those mounted on the vehicle.
(5) ~~All tires on given vehicle shall be of same size except when wide single equivalents are used.~~ Spare tire except in fleets where a service truck is maintained and where the buses operate within the city limits or are equipped with two-way radio shall be suitably mounted in accessible location outside passenger compartment.
(6) ~~Spare tire, except in fleets where a service truck is maintained and where the buses operate within the city limits or are equipped with two-way radio, shall be suitably mounted in accessible location outside passenger compartment.~~ Tread depth 4/32" on front and 2/32" on rear will be minimum.
(7) ~~For Type II vehicles, dual rear tires are not required and spare tire rack may be inside passenger compartment.~~ No spare shall be located inside the bus. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.336 TOW EYES OR HOOKS (1) ~~Two eyes or hooks shall be furnished, front and rear, and attached so as not to project beyond the front or rear bumpers. Two eyes or hooks attached to the bumpers (chassis) when requested by purchaser shall be~~

furnished by chassis manufacturer--Removeable two eyes or hooks--
attached to rear of body when so requested by purchaser--shall
be furnished by body manufacturer. Tow eyes or hooks shall be
furnished, front and rear, and attached so as not to project
beyond the front or rear bumpers. Tow eyes or hooks attached
to the bumpers (chassis) shall be furnished by chassis manu-
facturer. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.337 TRANSMISSION (1) Mechanical-type transmission--
shall be synchromesh except first and reverse gears--its design
shall provide not less than four forward and one reverse speeds.
When automatic or semi-automatic transmission is used, it shall
provide for not less than three forward speeds and one reverse
speed.

(2) Automatic transmissions are permissible but shall be---
specified only where chassis is equipped with a parking brake
which will secure vehicle under all conditions. When manual
transmission is used, second gear and higher shall be synch-
ronized except when incompatible with engine power. A minimum
of three forward speeds and one reverse speed must be provided.
(Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.339 WEIGHT DISTRIBUTION (1) Weight distribution
of fully loaded bus on level surface shall be such that not-
more than 75 percent of gross vehicle weight is on rear tires-
and not more than 35 percent is on front tires. so as not to
exceed the manufacturer's front Gross Axle Weight Rating and
rear Gross Axle Weight Rating.

(2)--For transit and metropolitan vehicles with engine in--
side front body, if entrance door is ahead of front wheels, not--
more than 75 percent of gross vehicle weight shall be on rear
tires or more than 50 percent on front tires.--If entrance door
is behind front wheels, not more than 75 percent of gross vehicle
weight shall be on rear tires or more than 40 percent on front
tires.--With engine in rear, not more than 75 percent of gross--
vehicle weight shall be on rear tires or more than 40 percent on
front tires. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

Sub-Chapter 4

Minimum Standards for School Buses--The Bus Body

10.64.401 AISLE (1) Minimum clearance of all aisles, in-
cluding aisle (or passageway between seats leading to emergency
door) shall be 12 inches. (see rule 10.64.409) EXCEPTION:
Type A Vehicle.

(2) Aisle supports of seat backs shall be slanted away--
from aisle sufficiently to give aisle clearance of 15 inches-
at tops of seat backs. The seat backs shall be slanted suf-
ficiently to give aisle clearance of 15 inches at tops of seat
backs.

~~(3) -- For transit and metropolitan vehicles with engine inside front of body, minimum distance between stanchion at rear of entrance step well and engine cover shall be 14 inches measured at floor level. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)~~

10.64.402 BATTERY (1) Remains the same.

(2) ~~When battery is mounted outside of engine compartment by chassis manufacturer, as described in Electrical System 1, battery of Chassis Standard, the body manufacturer shall securely attach battery on slide-out or swing-out tray in closed, vented compartment in the body skirt, whereby battery may be exposed to outside for convenient servicing. Battery compartment door or cover shall be secured by adequate and conveniently operated latch or other type fastener, hinged at front or top and secured by adequate and conveniently operated latch or other type fastener. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111.)~~

10.64.404 BOOK RACKS (1) Remains the same.

(2) ~~Racks shall be free of projections likely to cause injury and must have front guard rail to prevent objects from falling, and must have a padded perimeter. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)~~

10.64.405 BUMPERS, REAR (1) Rear bumper shall be of pressed steel channel or equivalent material at least 3/16 inch thick and 8 inches wide (high), and of sufficient strength to permit pushing by another vehicle without permanent distortion.

(2) ~~Rear bumper~~ it shall be wrapped around back corners of bus. It shall extend forward at least 12 inches, measured from rear-most point of body at floor line.

(3) Rear bumper shall be attached to chassis frame in such manner that it may be easily removed, shall be so braced as to develop full strength of bumper section from rear or side impact, and shall be so attached as to prevent hitching of rides.

(4) ~~Rear bumper shall extend at least one inch beyond rear-most part of body surface at least 1 inch measured at floor line.~~ EXCEPTION: Type A Vehicles.

(5) ~~Type II buses shall meet federal standards for rear bumper specifications.~~ Front bumper shall be furnished by chassis manufacturer as part of chassis.

(6) ~~Front bumper shall extend beyond forward-most part of the body, grille, hood, and fenders and shall extend to outer edges of fenders at bumper top line.~~

(7) ~~Front bumper, except breakaway bumper ends shall be of sufficient strength to permit pushing a vehicle of equal gross vehicle weight without permanent distortion to bumper, chassis, or body.~~

(8) EXCEPTIONS: Transit (Type D) front bumpers shall be furnished by body manufacturer. (Auth. Sec. 20-10-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.406 COLOR (1) School bus body including hood, ~~ewl, and fenders~~ shall be painted uniform color, National School Bus Yellow, ~~according to specifications available from General Services Administration.~~ (see rule 10.64.311).

(2) ~~Rear bumper and lettering shall be black.~~ ~~Body trim, if used, and rub rails may be black.~~ ~~(see rule 10.64.311).~~ The body exterior paint trim, bumper, lamp hoods (if any), emergency door arrow, and lettering shall be black. As an alternative, the rear bumper may be covered with reflective material.

(3) ~~Identification number or symbol shall not exceed 8 inches by 8 inches and shall not be placed in a window.~~ The color known as National School Bus Yellow was designated as such by the 1939 National Conference on School Bus Standards. The national Bureau of Standards of the U.S. Department of Commerce assisted in developing this color and its colorimetric specifications, as follows:

C.I.E. Chromaticity Coordinates	Day light Reflectance Y (%)			Dominant Wavelength (in microns)			Excitation Purity P (%)		
	max.	std.	min.	max.	std.	min.	max.	std.	min.
x .5211	.4549	-	41.	40.	584.5	583.5	582.5	-	93.7 89.0

At the 1980 Conference the colors in use were reviewed. A color standard was selected, slightly different from the above, and specific tolerances were chosen. These tolerances will insure a continuity of appearance from bus to bus, and within the same bus when different elements are finished or refinished at different times. Specification for the Standard Color, with light and dark tolerances (upper and lower reflectances) are shown below in tabular form:

CIE Chromaticity Coordinates		Reflectance Y (%)	Reflectance Tolerances	
x	y		Upper	Lower
.5089	.4408	40.14%	41.77%	38.45%

(Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.407 CONSTRUCTION (1) Construction shall be of prime commercial quality steel or other metal or other material with strength at least equivalent to all-steel as certified by bus body manufacturer. ~~All such construction materials shall be fire resistant.~~

(2) Remains the same.

(3) -- Bus body (including roof bows, body posts, strainers, stringers, floor inner linings, outer panels, rub rails, and other reinforcements) shall be of sufficient strength to support entire weight of fully loaded vehicle on its top or side if overturned. -- Bus body, as unit, shall be designed and built to provide impact and penetration resistance.

(4) -- As evidence that bus body meets this standard, all body manufacturers shall furnish, for each current body model, certification in duplicate that bus body meet Static Load Test Code for School Bus Body Structure (obtainable from School Bus Manufacturers Institute, and Industry Division of Truck and Body and Equipment Association, Inc., 5530 Wisconsin Avenue, N.W., Washington, D.C. 20015). -- These certificates shall be sent to the Superintendent of Public Instruction.

(a) -- Deflection at center of roof bow -- 3.00 inches

(b) -- Deflection of each side pillar at window sill level -- 1.00 inch

(c) -- Deflection at center of floor -- 4.00 inch

(6) -- Floor shall be of prime commercial quality steel of at least 14 gauge and insulated with plywood. -- The plywood shall be 5 ply at least 5/8 inch thick and it shall be equal to or exceed properties of exterior type softwood plywood, B-B grade as specified in Product Standard PSI-66, Softwood Plywood, Construction and Industrial (amended), issued by U.S. Department of Commerce and obtainable from Superintendent of Documents, Washington, D.C. 20401 at a price of 20 cents. -- Floor shall be level from front to back and from side to side except in wheel housing, toeboard, and driver's seat platform areas.

(7) -- Two or more roof strainers or longitudinal members shall be provided to connect roof bows. -- These strainers may be installed between roof bows or applied externally. -- They shall extend from windshield header and, when combined with rear emergency door post, are to function as longitudinal members extending from windshield header to rear floor body cross member. -- At all points of contact between strainers or longitudinal members and other structural material, attachment shall be made by means of welding, riveting, or bolting.

(8) -- After load as called for in Static Load Test Code has been removed, none of the following defects shall be evident: --

(a) -- Failure or separation at joints where strainers are fastened to roof bows;

(b) -- Appreciable difference in deflection between adjacent strainers and roof bows;

(c) -- Twisting, buckling, or deformation of strainer cross section.

(9) -- There shall be one or more side strainers or longitudinal members to connect vertical structural members and to provide impact and penetration resistance in event of contact with other vehicles or objects. -- Such strainer(s) shall be formed (not in flat strip) from metal of at least 16-gauge and 3-inches wide.

(a) -- Side strainer(s) shall be installed in area between bottom of window and bottom of seat frame and shall extend completely around bus body except for door openings and body cow panel. -- Side strainer(s) shall be fastened to each vertical structural member in any one or any combination of the following methods as long as stress continuity of member(s) is maintained.

(i) -- installed between vertical members.

(ii) -- installed behind panels but attached to vertical members.

(iii) -- installed outside external panels.

(b) -- Fastening method employed shall be such that strength of strainer(s) is fully utilized.

(c) -- Side strainer(s) or longitudinal member(s) may be combined with one of required rub rails (see rule 10.64.425) or be in form of additional rub rail, as long as separate conditions and physical requirements for rub rails are met. -- No portion of side strainer or longitudinal member is to occupy same vertical position as either rub rail.

(10) -- Rear corner framing of bus body between floor and window sill and between emergency door posts and last side posts shall consist of at least three structural members applied horizontally or vertically or in another combination to provide additional impact and penetration resistance equal to that provided by frame members in areas of sides of body. -- Such structural members shall be securely attached at each end.

(11) -- There shall be one main body sill at each side post and two intermediate body sills on approximately 10-inch centers. -- All sills shall be of equal height not to exceed 3-inches. -- All sills shall extend width of body floor except where structural members or features restrict area.

(a) -- Main body sill shall be equivalent to or heavier than 10-gauge and each intermediate body sill shall be equivalent to or heavier than 16-gauge, or each of all body sills shall be equivalent to or greater than 14-gauge. -- All sills shall be permanently attached to floor.

(b) -- Connections between sides and floor system shall be capable of distributing loads from vertical posts to all floor sills. -- As evidence that this requirement is fulfilled, none of the following conditions shall occur during or after application of load as called for in Static Load Test Code.

(i) -- appreciable difference in deflection between adjacent sills.

(ii) -- failure or separation in joints where floor, floor sills, and sides connect.

(iii) -- twisting, buckling, or deformation of floor sill cross sections.

~~(12) All openings between chassis and passenger-carrying compartment made due to alteration by body manufacturer must be sealed. (See rule 10.64.326.) (Auth. Sec. 20-2-121, MCA, IMP, Sec. 20-10-111, MCA.)~~

10.64.408 DEFROSTERS (1) Defrosters are required and they shall be of sufficient capacity to keep windshield, window to left of driver, and glass in entrance door clear of fog, ice, and snow. This may be done by using fans or by taking heat directly from approved heater. If frost shields are available, vehicles used for the transportation of school children may be provided with adequate frost shields on the rear windows and on both sides of the driver. Defrosting and defogging equipment shall direct a sufficient flow of heated air onto the windshield, the window to the left of the driver and the glass in the viewing area directly to the right of the driver to reduce the amount of frost, fog and snow. The defroster unit shall have a separate blower motor in addition to the heater motors. EXCEPTION: Type A vehicles.

(2) The defrosting system shall conform to Society of Automotive Engineers Standards J-381 and 382.

(3) The defroster and defogging system shall be capable of furnishing heated outside ambient air except that part of the system furnishing additional air to the windshield, entrance door and step-well may be of the recirculating air type.

(4) Auxiliary fans are not to be considered as a defrosting and defogging system.

(5) Portable heaters may not be used.

(6) Auxiliary fans - if used.

(a) Auxiliary fan for the left side shall be placed in a location where it can be adjusted to its maximum effectiveness.

(b) Auxiliary fan for the right side shall be in a location where it can be adjusted to its maximum effectiveness.

(c) These fans shall be a nominal six-inch diameter.

(d) The blades of these fans shall be covered with a protective cage. Each of these fans shall be controlled by a separate switch. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.409 DOORS (1) Service door shall be power or manually operated, under control of driver, and so designed as to afford easy release and prevent accidental opening. When hand lever is used, no parts shall come together so as to shear or crush fingers. Service door shall be under control of driver, and designed so as to afford easy release and prevent accidental opening. When hand lever is used, no part shall come together so as to shear or crush fingers.

(a) Service door shall be located on right side of bus opposite driver and within direct view of driver ~~his direct view~~.

(b) Service door shall have minimum horizontal opening of 24 inches and minimum vertical opening of 68 inches. EXCEPTION: Type A vehicles.

(c) Remains the same.

(d) Lower as well as upper panels shall be of approved safety glass ~~(see rule 10.64.438-)~~ Bottom of lower glass panel shall not be more than 35 inches from ground when bus is unloaded. Top of upper glass panel shall not be more than 6 inches from top of door. EXCEPTION: Type A vehicles.

(e) Vertical closing edges shall be equipped with flexible material to protect children's fingers. EXCEPTION: Type A vehicles.

(F) There shall be no door to left of driver. ~~(This--- shall-not-be-interpreted-to-conflict-with-item-(2)(a)below-)~~ EXCEPTION: Type A vehicles.

(g) ~~Type-II-bus-service-doors-shall-have-a-minimum-horizontal-opening-of-24-inches-and-a-minimum-vertical-opening-compatible-with-the-60-inch-ceiling-height-and-there-shall-be-allowed-a-door-to-the-left-of-the-driver.~~ All doors shall be equipped with a padding at the top edge of each door opening. Pad shall be at least 3 inches wide and 1 inch thick and extend the full width of the door opening.

(2) Emergency door shall be located in center of rear end of bus or in rear half of left side of bus if engine or baggage compartment is so located as to make it impossible to place door in center of rear end. Hinged on right side if in rear end of bus and on front side if on left side of bus. It shall open outward and shall be labeled inside to indicate how it is opened. EXCEPTION: Types A and B vehicles.

(a) ~~Emergency door shall have minimum horizontal opening of 24 inches and minimum vertical opening of 48 inches measured from floor level.~~ Upper portion of emergency door shall be equipped with approved safety glazing, exposed area of which shall be not less than 400 square inches.

(b) ~~Emergency door shall be hinged on right side if in rear end of bus and on front side if on left side of bus---it shall open outward and shall be labeled inside to indicate how it operates--~~ There shall be no steps leading to emergency door.

(c) ~~Upper portion of emergency door shall be equipped with approved safety glass, exposed area of which shall be not less than 400 square inches---(see rule 10.64.438-)~~ Words "EMERGENCY DOOR," both inside and outside in letters at least 2 inches high, shall be placed at top of or directly above the emergency door or on the door in the metal panel above the top glass.

~~(d)---There shall be no steps leading to emergency door.~~

~~(e)---No seat or other object shall be so placed in bus as to restrict any part of passageway leading to either rear or left side emergency door to opening smaller than rectangle of 12 inches in width and 48 inches in height, measured from floor level.~~

~~(f)---Words "EMERGENCY DOOR," inside at least 2 inches high, shall be placed at top of or directly above emergency door.~~

~~(g)---If emergency door is located on left side of bus,~~

~~(i)---Window at rear shall be designed as emergency exit and shall be no smaller than 16 inches in height and 54 inches in width on buses 80 inches or more in width; it shall be no smaller than 16 inches in height and 48 inches in width on~~

buses less than 80 inches in width--Window shall be hinged from top and devised and operated to insure against accidental closing in emergency.

(ii)--Paneling is required to cover space between top of rear divan seat and inside surface of emergency window at rear.

(h)---Words "EMERGENCY EXIT," in letters at least 2 inches high, shall be placed directly above emergency window on inside.

(i)---Emergency door and emergency window shall be designed to be opened from inside and outside of bus and shall be equipped with fastening device which may be quickly released but is designed to offer protection against accidental release. Control from driver's seat shall not be permitted--Provision for opening from outside shall consist of nondetachable device so designed as to prevent hitching to, but to permit opening when necessary.

(j)---Emergency door shall be equipped with slide bar, cam-operated lock--Slide bar shall have minimum stroke of 1 inch--Emergency door lock shall be equipped with suitable electric plunger-type switch connected with buzzer located in driver's compartment--Switch shall be enclosed in metal case, and wires leading from switch shall be concealed in bus body. Switch shall be so installed that plunger contacts farthest edge of slide bar in such manner that any movement of slide bar will immediately close circuit on switch and activate buzzer.

(k)---Door lock shall be equipped with interior handle that extends approximately to center of emergency door--It shall lift up to release lock--

(l)---Emergency window in rear shall be equipped with latch (or latches) on inside, connected with electrical buzzer that will actuate when latch is being released--It shall also be equipped on outside with nondetachable fastening device so designed as to prevent hitching to, but to permit opening from the outside. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.411 FIRE EXTINGUISHER (1) Bus shall be equipped with at least one pressurized, dry chemical type fire extinguisher of at least 5-pound capacity, mounted in a bracket extinguisher manufacturer's bracket of automotive type, and located in driver's compartment in full view of and readily accessible to driver. A pressure gauge shall be mounted on the extinguisher as to be easily read without removing the extinguisher from its mounted position.

(2) The fire extinguisher shall ~~bear-label~~ be of a type approved by the Underwriters Laboratories, Inc. (207 East Ohio Street, Chicago, Illinois 60611), ~~showing-rating-of-not-less-than-10-B-C-with-a-total-rating-of-not-less-than-2-A-10-BC--(10-B-C-denotes-amount-of-chemical-needed-to-extinguish-10-square-foot-type-B-fire-(flammable-liquid)-or-type-6-fire-(electrical))-~~ The operating mechanism shall be sealed with a type of seal which will not interfere with the use of the fire extinguisher. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.412 FIRST-AID KIT (1) Bus shall carry removable metal first-aid kit container mounted in accessible place within driver's compartment. Compartment shall be marked to indicate its location.

(2) Contents of first-aid kit ~~for-Type-I-vehicle-~~

(a) Absorbent gauze compress, 1 per pkg. - 3 pkg.

(b) Waterproof adhesive bandages, 1" (band-aids)--10 per pkg. - 3 pkg.

~~(e)---Ammonia-ampoules-with-paper-cups--4-per-pkg---2-pkg.~~

~~(d)---Ammonia-inhalants--10-per-pkg---2-pkg.~~

~~(e)(c) Compress bandages 4"--1 per pkg. - 4 pkg.~~

~~(f)(d) Compress bandages 2"--4 per pkg. - 4 pkg.~~

~~(g)(e) Gauze roller bandage 4" x 6 yd.--1 per pkg - 2 pkg.~~

~~(h)(f) Gauze roller bandage 2" x 6 yd.--2 per pkg. - 2 pkg.~~

~~(i) Merthiolate-swabs--10-per-pkg---3-pkg.~~

~~(j) Paper-cups--10-per-pkg---1-pkg.~~

~~(k)(g) Adhesive tape--1" x 2½ yd. - 2 pkg.~~

~~(l)(h) Scissors - pr.~~

~~(m)(i) Triangular bandage 40"--1 per pkg. - 1-pkg. 4 pkg.~~

~~(n)(j) Wire splint or plastic inflatable--1 per pkg. - 1 pkg.~~

~~(3)---Contents-of-first-aid-kit-for-type-II-vehicle-~~

~~(a)---Absorbent-gauze-compress-1-per-pkg---1-pkg.~~

~~(b)---Waterproof-adhesive-bandage-1"--(band-aids)--10-per-pkg---2-pkg-~~

~~(c)---Ammonia-ampoules-with-paper-cups--4-per-pkg---1-pkg-~~

~~(d)---Ammonia-inhalants--10-per-pkg---1-pkg.~~

~~(e)---Compress-bandage-4"--1-per-pkg---3-pkg.~~

~~(f)---Compress-bandage-2"--4-per-pkg---3-pkg-~~

~~(g)---Gauze-roller-bandage-4"--x-6-yd---1-per-pkg---1-pkg-~~

~~(h)---Gauze-roller-bandage-2"--x-6-yd--2-per-pkg---1-pkg.~~

~~(i)---Merthiolate-swabs--10-per-pkg---2-pkg.~~

~~(j)---Paper-cups--10-per-pkg---1-pkg-~~

~~(k)---Adhesive-tape--1"--x-2½-yd---2-pkg-~~

~~(l)---Scissors--1-pr----~~

~~(m)---Triangular-bandage-40"--1-per-pkg---3-pkg-~~

~~(n)---Wire-splint-or-plastic-inflatable--1-per-pkg---1-pkg-~~

(Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.413 FLOOR COVERING (1) Floor in underseat area, including tops of wheel housings, driver's compartment and toe-board, shall be covered with ~~fire-resistant~~ rubber floor covering or equivalent having minimum overall thickness of .125 inch.

(2) Floor covering in aisle shall be of aisle-type ~~fire-resistant~~ rubber or equivalent, ~~non-skid~~, wear-resistant, and ribbed. Minimum overall thickness shall be .187 inch measured from tops of ribs. ~~Rubber floor covering shall meet federal specification ZZ-M-71d (available from General Services Administration, Specification Sales, Building 197, Washington Navy Yard, Washington, D.C. 20407).~~

(3) Remains the same. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.414 HEATERS (1) ~~Where heaters are required, they- Heaters shall be of hot-water or combustion type.~~

(2) Remains the same.

(3) Remains the same.

(4) ~~Where hot water heaters are used, they shall bear name-plate rating in accordance with Standard Code for Testing and Rating Automotive Bus Hot Water Heating and Ventilating Equipment (obtainable from School Bus Manufacturers Institute and Industry Division of Truck Body and Equipment Association, Inc., 5530 Wisconsin Avenue, N.W., Washington, D.C. 20015); plate to be affixed by heater manufacturer.~~ The heating system shall be capable of maintaining throughout the bus temperature of not less than 40 degrees Fahrenheit at average minimum January temperature as established by the U.S. Department of Commerce, Weather Bureau, for the area in which the vehicle is to be operated.

(5) ~~All combustion-type heaters shall be approved by-- Underwriters' Laboratories, Inc. (207 East Ohio Street, Chicago, Illinois 60611).~~ All heaters installed by body manufacturers shall bear a name plate that shall indicate the heater rating in accordance with SBMI Code 001, with said plate to be affixed by the heater manufacturer which shall constitute certification that the heater performance is as shown on the plate. EXCEPTION: Does not apply to vehicles not originally manufactured as school buses.

(6) ~~If combustion-type heaters are used, they shall be installed on new buses by body manufacturers. (See requirements for combustion-type heaters in current Motor Carrier Safety Regulations, issued by Bureau of Motor Carrier Safety, U.S. Department of Transportation, Washington, D.C. 20591.)~~ Heater hoses shall be adequately supported to guard against excessive wear due to vibration. The hoses shall not dangle or rub against the chassis or sharp edges and shall not interfere with or restrict the operation of any engine function. Heater hose shall conform to SAE J20c. Heater lines on the interior of bus shall be shielded to prevent scalding of the driver or passengers.

(7) ~~Heaters shall be capable of maintaining inside temperature of 50 degrees Fahrenheit at average minimum January temperatures as established by U.S. Department of Commerce, Weather Bureau (Washington, D.C. -- 20235), for area in which heater is required.~~ Each hot water heater system shall include a shut-off valve installed in the pressure and return lines at the engine. There shall be a water flow regulating valve installed for convenient operation by the driver. EXCEPTION: Type A vehicles.

(8) All combustion-type heaters shall be approved by Underwriters' Laboratories, Inc. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.415 IDENTIFICATION (1) Body shall bear words "SCHOOL BUS" in black letters at least 8 inches high on both front and rear of body or on signs attached thereto. Lettering shall be placed as high as possible without impairment of its visibility. Lettering shall conform to "Series B" of Standard Alphabets for Highway Signs ~~(designed by U.S. Bureau of Public Roads for Joint Committee on Uniform Traffic Control Devices).~~

(2) Remains the same.

~~(3) -- See rule 10-64-311(2) for color.~~
(Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.416 INSIDE HEIGHT (1) Inside body height shall be nominal 72 inches or more, measured metal to metal, at any point on longitudinal center line from front vertical bow to rear vertical bow. EXCEPTION: Type A and B vehicles.

~~(2) -- For type II vehicles, the inside body height shall be nominal 60 inches or more, measured metal to metal, at any point on longitudinal center line from front vertical bow to rear vertical bow.~~ (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.417 INSULATION (1) Ceiling and walls shall be insulated with proper material to deaden sound and to reduce vibrations to a minimum. Thermal insulation shall be required and shall be of fire-resistant material of type approved by Underwriters' Laboratories, Inc. -- (207 East Ohio Street, Chicago, Illinois -- 60611). If thermal insulation is specified also, it shall be of fire-resistant material of type approved by Underwriters' Laboratories, Inc.

(2) Floor insulation is required. It shall be 5-ply, at 5/8-inches thick and/or it shall equal or exceed properties of exterior-type softwood plywood, C-D Grade as specified in standard issued by U. S. Department of Commerce. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.418 INTERIOR (1) Interior of bus shall be free of all unnecessary projections likely to cause injury. -- This standard requires inner lining on ceilings and walls. -- If ceiling is constructed so as to contain lapped joints, forward panel shall be lapped by rear panel and exposed edges shall be beaded, hemmed, flanged, or otherwise treated to minimize sharp edges.
Inside Height:

(a) Inside body height shall be nominal 72 inches or more, measured metal to metal, at any point on longitudinal center line from front vertical bow to rear vertical bow.

(b) Exception for Type A vehicles: same as above except that the inside body height shall be nominal 60 inches or more, measured metal to metal, at any point on longitudinal center line from front vertical bow to rear vertical bow.

(2) Ceilings over aisles shall be free of all projections.
Insulation:

(a) Ceiling and walls shall be insulated with proper material to deaden sound and to reduce vibrations to a minimum. Thermal insulation shall be required and shall be of fire-resistant material of type approved by Underwriter's Laboratories, Inc.

(3) Interior

(a) Interior of bus shall be free of all unnecessary projections likely to cause injury. This standard requires inner lining on ceilings and walls. If ceiling is constructed so as to contain lapped joints, forward panel shall be lapped by rear panel and exposed edges shall be beaded, hemmed, flanged, or otherwise treated to minimize sharp edges.

(b) Ceilings over aisles shall be free to all projections. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.419 LAMPS AND SIGNALS (1) All lamps on exterior of vehicles shall conform with and be installed as required by Federal Motor Vehicle Safety Standard 108. Lamps on exterior of vehicle are covered by Federal Motor Vehicle Safety Standard 108.

(2) Remains the same.

(3) School bus alternately flashing red and amber signal lamps are lamps mounted at same horizontally level both front and rear, intended to identify a vehicle as a school bus and to inform other users of the road highway that such vehicle is about to stop stopping or stopped on highway roadway to take on or discharge school children.

(a) Bus shall be equipped with two red lamps at rear of vehicle and two red lamps at front of vehicle, which shall be controlled by automatically actuated switch and when actuated shall flash alternately at rate of 60 to 120 cycles per minute.

(b) --in addition to four red lamps described in (a) above, four amber lamps shall be installed as follows:-- one amber lamp shall be located near each red signal lamp, at same level, but closer to vertical centerline of bus; system of red and amber signal lamps shall be wired so that amber lamps are energized manually, and red lamps are automatically energized (with amber lamps being automatically de-energized) when bus entrance door is opened--

(c) (b) Area around lens of each alternately flashing signal lamp and extending outward approximately 3 inches shall be painted black (see rule 10-64-311). In installations where there is no flat vertical portion of body immediately surrounding entire lens of lamp, circular or square band of black (see rule 10-64-311) approximately 3 inches wide, immediately below and to both sides of lens, shall be painted on body or roof area against which signal lamp is seen (from distance of 500 feet along axis of vehicle).

(c) All flashers for alternately flashing red signal lamps shall be enclosed in the body in a readily accessible location.

(4) Bus shall be equipped with class A turn signal lamps that meet specifications of Society of Automotive Engineers (485 Lexington Avenue, New York, New York --- 10017) --- These signals must be independent units and must be equipped with four-way hazard warning switch to cause simultaneous flashing of turn signal lamps when needed as vehicular traffic hazard warning. Each turn signal unit shall have a lens not less than 6 inches in diameter. School bus amber signal lamps are alternately flashing lamps mounted horizontally both front and rear, intended to identify a vehicle as a school bus and to inform other users of the roadway that such vehicle is about to stop on highway to take on or discharge school children.

(a) If additional turn signal lamps above those provided in (1) are required (front of body below windshield or side of body behind driver's compartment), they are to be connected to turn signal system without removal or disconnection of turn signal lamps supplied on chassis. Four amber lamps shall be installed as follows: one amber lamp shall be located near each red signal lamp, at same level, but closer to vertical centerline of bus; system of red and amber signal lamps shall be wired so that amber lamps are energized manually, and red lamps are automatically energized (with amber lamps being automatically de-energized) when bus service door is opened.

(b) Type II buses are not required to have 6-inch diameter lens as long as a total lens surface exceeds 18 square inches. Area around lens of each alternately flashing signal lamp and extending outward approximately 3 inches shall be painted black. In installations where there is no flat vertical portion of body immediately surrounding entire lens of lamp, a circular or square band of black both sides of lens, shall be painted on body or roof area against which signal lamp is seen (from distance of 500 feet along axis of vehicle).

(c) All flashers for alternately flashing amber signal lamps shall be enclosed in the body in a readily accessible location.

(5) Warning devices for stopped disabled vehicles shall include one or more of the following options (Motor Carrier Safety Regulations, part 393.95, subpart f, issued by Bureau of Motor Carrier Safety, U. S. Department of Transportation, Washington, D. C. --- 20591): Turn signal and stop lamps.

(a) Bus body shall be equipped with rear turn signal lamps which are at least seven (7) inches in diameter and meet specifications of the Society of Automotive Engineers. These signals must be connected to the chassis hazard warning switch to cause simultaneous flashing of turn signal lamps when needed as vehicular traffic hazard warning. Turn signal lamps are to be placed as wide apart as practical and their centerline shall be approximately eight (8) inches below the rear windows. EXCEPTION: Type A vehicle lamps must be 21 square inches in lens area. Three flares and three red flags.

(b) ~~Three red electric lanterns and three red flags.~~ Just inside the turn signal, there shall be installed at the same elevation, two seven (7) inch diameter stop lamps.

~~(c) Three red emergency reflectors and three red flags.~~

~~(d) Three triangle reflectors meeting federal specifications (red flags are not required with this reflector).~~

(6) On all buses equipped with a monitor which monitors the front and rear lamps of the school bus, the monitor shall be mounted in full view of the driver. If the full circuit current passes through the monitor, each circuit shall be protected by a fuse or circuit breaker against any short circuit or intermittent shorts.

(7) Strobe light (optional): A white flashing strobe light, when installed, is intended to increase the visibility of the school bus on the highway during adverse weather conditions when loading and unloading children. It shall have a single clear lens emitting light 360° around its vertical axis. It shall be located on the longitudinal center line of the bus roof approximately 1/3 to 1/2 of the distance forward from the rear of the bus. It shall be controlled by a manual switch located in the instrument panel to the left of the driver. A pilot light shall indicate to the driver that the light is turned on.

(8) Warning Device: Each school bus shall contain at least three (3) reflectorized triangle road warning devices mounted in an accessible place. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.420 METAL TREATMENT (1) Remains the same.

(2) Remains the same.

(3) Remains the same.

(4) As evidence that above requirements have been met, samples of materials and sections used in construction of bus body, when subjected to 1,000-hour salt spray test as provided for in latest revision of ASTM Designation: B 117, "Standard Method of Salt Spray (Fog) Testing," (American Society for Testing and Materials; 1916 Race Street; Philadelphia; Pennsylvania; 19163) shall not lose more than 10 percent of material by weight. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.421 MIRRORS (1) Interior mirror: shall be clear view safety glass at least 6-by-36 inches overall to afford good view of pupils and roadway to rear. Mirror shall be metal backed and framed; it shall have rounded corners and protected edges either clear view laminated glass or clear view glass bonded to a backing which retains the glass in the event of breakage. Mirror shall be a minimum of 6" x 30". Mirror shall have rounded corners and protected edges.

(2) Exterior mirrors: Two exterior clear view, rearview mirrors shall be provided, one to the left and one to right of driver. Area of each mirror shall be not less than 50 square inches overall. Each mirror shall be firmly supported and adjustable to give driver clear views past left rear and right rear of bus. Each bus shall have a minimum of one exterior

exterior left side and one exterior right side rear view mirror with a minimum of 50 square inches each of flat mirror glass.
EXCEPTION: Type A and B vehicles shall be manufacturer's standard.

(3) Exterior-convex-mirror-at-least-7½-inches-in-diameter-shall-be-located-either-on-left-or-on-right-side-of-bus-in-such-manner-that-seated-driver-may-observe-at-least-7½-inches-of-the-length-of-a-rod,-30-inches-long,-placed-upright-on-the-ground-at-any-point-along-a-traverse-line-one-foot-forward-of-the-forward-most-point-of-a-school-bus-and-extending-the-width-of-the-bus.--This-same-type-mirror-may-be-installed-at-other-locations-on-bus-to-enable-seated-bus-driver-to-observe-areas-alongside-bus-where-direct-observation-is-not-possible. Each bus shall have a minimum of one exterior right side convex mirror with a minimum of 35 square inches to provide localized vision on the right side of the bus.

(4) Cross-over vision mirrors (right and left): when a rod 30 inches is placed upright on the ground at any point along a traverse line 1 foot forward of the forward-most point of a school bus and extending the width of the bus; at least 7½" of the length of the rod shall be visible to the driver, either by direct view or by means of an indirect visibility system. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.424 OVERALL WIDTH (1) Overall width of bus shall not exceed 96 inches excluding accessories. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.425 RUB RAILS (1) Remains the same.

(2) Remains the same.

(3) Remains the same.

(4) Both rub rails shall be 4 inches or more in width, shall be of 16-gauge steel or suitable material of equivalent strength, and shall be constructed in corrugated or ribbed fashion.

(5) Both rub rails shall be applied outside body or outside body posts. Pressed-in or snap-on rub rails do not satisfy this requirement. EXCEPTION: For Type A and B Vehicles using chassis manufacturer's body, or Type C and D buses using rear luggage or rear engine compartment, rub rails need not extend around rear corners. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.428 SEATS AND CRASH BARRIERS (1) Remains the same.

(2) Remains the same

(a) 13 inches where 3-3 seating plan is used, and

(b) 15 inches where 3-2 seating plan is used. (See table under rule 10-64-403.)-

10.64.428 SEATS (1) Remains the same.

(2) Remains the same.

(a) 13 inches where 3-3 seating plan is used, and

(b) 15 inches where 3-2 seating plan is used. (See table under rule-10.64.403.)

(3) All seats shall be forward-facing and anchorage shall comply with Federal Motor Vehicle Safety Standard 207--(see rule-10.64.401.)-- Seat, seat back cushion and crash barrier shall be covered with a material having 42-ounce finished weight, 54 inches width, and finished vinyl coating of 1.06 broken twill, or other material with equal tensile strength, tear strength, seam strength, adhesion strength, resistance to abrasion, resistance to cold, and flex separation.

(4)---No bus shall be equipped with jump seats or portable seats--

(5)---Forward-most pupil seat on right side of bus shall be located so as not to interfere with driver's vision, not farther forward than guard rail behind driver or rear of driver's seat when adjusted to its rear-most position--

(6)---Minimum center-to-center seat spacing shall be 27 inches--Distance between driver's seat when adjusted to its rear-most position and front face of seat back of forward-most pupil seat on left side of bus shall not be less than 24 inches measured at cushion height--

(7)---Seat and back cushions of all seats shall be designed to safely support designated number of passengers under normal road conditions encountered in school bus service--Coverings of seat cushions shall be of material having 42-ounce minimum finished weight, 54-inch width, and finished vinyl coating of 1.06 broken twill--

(8)---All exposed tops and side rails of school bus passenger seats, including fiberglass and plastic type, shall be padded extending to seat cushion level with an energy absorption material sufficient to minimize injury producing impact forces--The side rails shall be padded in such a manner as to retain the 12-inch aisle--Back cushions shall be constructed so as to eliminate exposed screws or bolts, which contribute to vandalism of seats and their components--

(9)---Minimum distance between steering wheel and back rest of driver's seat shall be 11 inches--Driver's seat shall be strongly attached, shall have vertical adjustment, and shall have fore-and-aft adjustment of not less than 4 inches--Driver's seat anchorage shall comply with acceptable installation procedures--

(10)---Minimum of 36-inch headroom for sitting position above top of underpadded cushion line of all seats shall be provided--Measurement shall be made vertically not more than 7 inches from side wall at cushion height and fore-and-aft center of cushion--

(11)---Backs of all seats of similar size shall be of same width at top and of same height from floor and shall slant at same angle with floor--

(12)---Where grab handles on seats are used, they shall be enclosed--

(13)-- Passenger seat cushion retention system shall be employed to prevent passenger seat cushions from disengaging from seat frames in event of accident.-- Each seat cushion retention system shall be capable of withstanding vertical static load equal to minimum of 5 times weight of cushion.-- System shall also be capable of withstanding forward or rearward static load equal to minimum of 5 times weight of cushion.-- System shall also be capable of withstanding forward or rearward static load equal to 20 times weight of cushion.

---(14)-- Fiberglass seats may be used provided they meet the following standards:

---(a)--- Fiberglass seats must meet all foregoing provisions for seats except those concerning construction of seat cushions and seat backs.

(b)--- Fiberglass seats shall combine rigid construction of welded tubular steel with contoured, matched die formed or hand-sprayed molded plastic shell.-- Exposed steel shall be stainless steel or shall be finished with baked enamel.

(c)--- Plastic shells shall consist of good commercial grade, fire-resistant, color-pigmented resin reinforced with glass fibers in such manner as to avoid resin-rich sections. Shells shall be shaped to provide maximum comfort.

(d)--- Both metal frames and plastic shells shall have rounded corners and be free of sharp edges.

(15)--- Plastic type seats made of acrylonitrile-butadiene-styrene (known as ABS seats) may be used provided they meet the following standards:--

(a)--- Seats must meet all foregoing provisions for seats except those concerning construction of seat cushions and seat backs or those concerning seat backs only.

(b)--- Seats shall combine rigid construction of welded tubular steel with thermoformed or injection-molded plastic shell.-- Exposed steel shall be stainless or shall be finished with baked enamel.

(c)--- Plastic shells shall consist of good commercial grade, self-extinguishing, color-pigmented resin.-- Shells shall be shaped to provide maximum comfort.

(d)--- Both metal frames and plastic shells shall have rounded corners and be free of sharp edges.

(Auth. Sec. 20-2-121, FCA; IMR, Sec. 20-10-111, NCA.)

10.64.431 STEP TREADS (1) All steps, including floor line platform area, shall be covered with 3/16 inch rubber metal-backed treads with at least 1-1/2 inch white nosing (or 3 inch white rubber step edge with metal back at floor line platform area); floor covering or other materials equal in wear resistance and abrasion resistance to top grade rubber.

(a)---Step-tread-minimum-overall-thickness-shall-be-3/16-inch-ribbed-design, similar-to-ribbed-design-of-the-rubber-aisle.
(b)---Metal-back-of-tread, minimum-24-gauge-cold-roll-steel, shall-be-permanently-bonded-to-ribbed-rubber; grooved-design shall-be-such-that-said-grooves-run-at-90-degree-angle-to-long-dimension-of-step-tread.

(c)---3/16-inch-ribbed-step-tread-shall-have-a-1-1/2-inch white-nosing-as-integral-piece-without-any-joint.

(d)---Rubber-portion-of-step-treads-shall-have-the-following characteristics:

(i)---special-compounding-for-good-abrasion-resistance-and high-coefficient-of-friction;-

(ii)---flexibility-so-that-it-can-be-bent-around-a-1/2-inch mandrel-both-at-130°-F-and-20°-F-without-breaking, cracking, or crazing;-and-

(iii)---show-a-durometer-hardness-85-to-95.

(2) Metal back of tread, minimum 24-gauge cold roll steel, shall be permanently bonded to ribbed rubber; grooved design shall be such that said grooves run at 90 degree angle to long dimension of step tread.

(3) Three sixteen inch ribbed step tread shall have a 1-1/2 inch white nosing as integral piece without any joint.

(4) Rubber portion of step treads shall have the following characteristics:

(a) Special compounding for good abrasion resistance and high coefficient of friction.

(b) Flexibility so that it can be bent around a 1/2 inch mandrel both at 130° F and 20° F without breaking, cracking, or crazing.

(c) Show a durometer hardness 85 to 95.

(Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.432 STORAGE COMPARTMENT (1) Metal-container-of-adequate-strength-and-capacity-for-storage-of-tire-chains-and/or-tow-chains-and-such-tools-as-may-be-necessary-for-minor-emergency-repairs-while-bus-is-enroute-shall-be-provided. If tools, tire chains and/or tow chains are carried on the bus, a container of adequate strength and capacity may be provided. Such storage container may be located either inside or outside the passenger compartment but, if inside, it shall have cover (seat cushion may not serve for this purpose) capable of being securely latched and be fastened to the floor in-right-rear-or-right-front-of-bus convenient to either the service or emergency door. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-2-111, MCA.)

10.64.433 SUN SHIELD (1) Interior adjustable transparent sun shield not less than 6" x 30" with a finished edge shall be installed in a position convenient for use by driver. EXCEPTION:

Type A and B vehicles. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.434 UNDERCOATING (1) Entire underside of bus body, including floor board sections ~~under-driver's-compartment (including-the-metal-portion)~~, cross members, and below floor line side panels shall be coated with rust-proofing compound for which compound manufacturer has issued notarized certification of compliance to bus body builder that compound meets or exceeds all performance requirements of federal specification TT-C-520 e a ~~(titled,-Coating-Compound,-Bituminous,-and-Solvent Type,-Underbody,-(for-Motor-Vehicles),-available-from-General-Services-Administration,-Specification-Sales,-Building-197, Washington-Navy-Yard,-Washington,-D.-C.-20407)~~ using modified test procedures (test panels are to be prepared in accordance with paragraph 4.6.12 of TT-C-520a with modified procedure requiring that tests be made on a 48-hour air cured film at thickness recommended by compound manufacturer) for following requirements:

- (a) Remains the same.
- (b) Remains the same.
- (c) Remains the same.

(2) Undercoating compound shall be applied with suitable airless or conventional spray equipment to recommended film thickness and shall show no evidence of voids in cured film. ~~Undercoating-is-expected-to-prevent-rust-under-all-bus-service conditions-for-minimum-of-five-years-~~ (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.435 VENTILATION (1) Remains the same.

(2) Static-type non-closable exhaust ventilation shall be installed in low-pressure area of roof. EXCEPTION: Type A and B vehicles. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-2-111, MCA.)

10.64.43 WHEEL HOUSINGS (1) Remains the same.

(2) Wheel-housings-shall-be-designed-to-support-seat-and-passenger-loads-and-shall-be-attached-to-floor-sheets-in-such-manner-as-to-prevent-any-dust-or-water-from-entering-the-body. Wheel housing shall be attached to floor sheets in such a manner to prevent any dust, water, or fumes from entering the body. Wheelhousing shall be constructed of 16-gauge steel, or other material of equal strength.

(3) Inside height of wheel housings above floor line shall not exceed 10 12 inches.

(4) Wheel-housings-shall-provide-clearance-for-chains-on-dual-wheels-as-established-by-National-Association-of-Chain-Manufacturers. The wheel housing shall provide clearance for installation and use of tire chains on signal and dual (if so equipped) power-driving wheels.

(5) No part of a raised wheel housing shall extend into the emergency door opening. EXCEPTION: Type A and B vehicles. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.437 WINDSHIELD AND WINDOWS (1) All glass in windshield, windows, and doors shall be of approved safety glass

~~(Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways (Z26-1-1966) obtainable from American National Standards Institute, 1430 Broadway, New York, New York--10018), so mounted that permanent mark is visible, and of sufficient quality to prevent distortion of view in any direction. EXCEPTION: Ridged plastic glazing may be used in windshield and windows to the immediate right and left of the driver.~~

~~(2) Remains the same.~~

~~(3)--Glass-in-all-side-windows,-doors-and-rear-windows-shall-be-A82-or-better-grade,-as-specified-in-A26-1-1966-(see-title-in-(1)-above)-~~

~~(4)(3) Each full side window shall provide unobstructed emergency opening at least 9 inches high and 22 inches wide, obtained by lowering of window.~~

~~(5)(4) Knockout-type, split-sash windows may be used. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)~~

10.64.438 WINDSHIELD WASHERS (1) Windshield washers shall be furnished. A windshield washer system shall be provided. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.439 WINDSHIELD WIPERS (1) Bus shall be equipped with two variable speed windshield wipers of air or electric type powered by two motors of sufficient power to operate wipers. A windshield wiping system, two-speed or more, shall be provided.

(2) The wipers shall be operated by one or more air or electric motors of sufficient power to operate wipers. If one motor is used the wipers shall work in tandem to give full sweep of windshield. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.440 WIRING (1) All wiring shall conform to current standards of Society of Automotive Engineers (485 Lexington Avenue, New York, New York---10017).

(2) Wiring shall be arranged in at least eight regular circuits, as follows: Wiring shall be arranged in circuits as required with each circuit protected by a fuse or circuit breaker. A system of color or number coding shall be used.

(a)--Head, tail, stop (brake), and instrument panel lamps;

(b)--Clearance and stepwell lamps (stepwell lamp shall be actuated when service door is opened);

(c)--Dome lamp;

(d)--Starter motor;

(e)--Ignition and emergency door signal;

(f)--Turn signal lamps;

(g)--Alternately flashing signal lamps; and

(h)--Horn

(3)--Any of above combination circuits may be subdivided into additional independent circuits. Wiring shall be arranged in at least six regular circuits, as follows:

(a) Head, tail, stop (brake), and instrument panel lamps

(b) Clearance and stepwell lamps (stepwell lamp shall be actuated when service door is opened)

- (c) Dome lamp
- (d) Ignition and emergency door signal
- (e) Turn signal lamps
- (f) Alternately flashing signal lamps
- (i) Any of the above combination circuits may be subdivided into additional independent circuits.
- (ii) Whenever heaters and defrosters are used, at least one additional circuit shall be installed.
- (iii) Whenever possible, all other electrical functions (such as sanders and electric-type windshield wipers) shall be provided with independent and properly protected circuits.
- (iv) Each body circuit shall be coded by number or letter on a diagram of circuits and shall be attached to the body in readily accessible location.
- (4) Whenever heaters and defrosters are used, at least one additional circuit shall be installed. The entire electrical system of the body shall be designed for the same voltage as the chassis on which the body is mounted.
- (5) Whenever possible, all other electrical functions (such as sanders and electric-type windshield wipers) shall be provided with independent and properly protected circuits. All wiring shall have an amperage capacity equal to or exceeding the designed load. All wiring splices to be done at an accessible location and noted as splices on wiring diagram.
- (6) Each body circuit shall be coded by number or letter and diagram of circuits shall be attached to the body in readily accessible location. A body wiring diagram of easy readable size shall be furnished with each bus body or affixed in an area convenient to the electrical accessory control panel.
- (7) A separate fuse or circuit breaker shall be provided for each circuit except starter motor and ignition circuits. Body power wire shall be attached to special terminal on the chassis.
- (8) All wires within body shall be insulated and protected by covering of fibrous loom (or equivalent) which will protect them from external damage and minimize dangers from short circuits. Whenever wires pass through body member, additional protection in form of appropriate type of insert shall be provided. All wires passing through metal openings shall be protected by a grommet.
- (9) Wires not enclosed within body shell shall be fastened securely at intervals of not more than 24 1/8 inches. All joints shall be soldered or jointed by equally effective connectors. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

3. Those rules proposed as additions are as follows:

10.64.340. TURNING RADIUS (1) Chassis with a wheel base of 264 inches or less shall have a right and left turning radius of not more than 42-1/2 feet, curb to curb measurement.

(2) Chassis with a wheel base of 265 inches or more shall have a right and left turning radius of not more than 44-1/2 feet, curb to curb measurement. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.442 STIRRUP (1) There shall be at least one folding stirrup step or recessed foothold and suitably located handles on each side of the front of the body for easy accessibility for cleaning the windshield and lamps except when windshield and lamps are easily accessible from the ground. Standard does not apply to vehicles not originally manufactured as school buses. A step, in lieu of the stirrup steps, is permitted in or on the front bumper. (Auth. Sec. 20-10-121, MCA; IMP, Sec. 20-10-111, MCA.)

4. Those rules proposed to be repealed are as follows:

10.64.304 AXLES - EXCEPTIONS FOR TRANSIT AND METROPOLITAN VEHICLES The rule proposed to be repealed is on page 10-976 of the Administrative Rules of Montana. (Auth. Sec. 20-2-121.)

10.64.305 BATTERY The rule proposed to be repealed is on page 10-976 of the Administrative Rules of Montana. (Auth. Sec. 20-2-121, MCA.)

10.64.308 BUMPER, FRONT-EXCEPTIONS The rule proposed to be repealed is on page 10-979 of the Administrative Rules of Montana. (Auth. Sec. 20-2-121, MCA.)

10.64.317 FRAME LENGTHS The rule proposed to be repealed is on page 10-982 of the Administrative Rules of Montana. (Auth. Sec. 20-2-121, MCA.)

10.64.319 FUEL TANK - EXCEPTIONS The rule proposed to be repealed is on page 10-982 and 10-983 of the Administrative Rules of Montana. (Auth. Sec. 20-2-121, MCA.)

10.64.320 GENERATOR OR ALTERNATOR The rule proposed to be repealed is on page 10-983 and 10-984 of the Administrative Rules of Montana. (Auth. Sec. 20-2-121, MCA.)

10.64.327 OVERALL LENGTH The rule proposed to be repealed is on page 10-985 of the Administrative Rules of Montana. (Auth. Sec. 20-2-121, 61-10-104, MCA.)

10.64.328 OVERALL WIDTH The rule proposed to be repealed is on page 10-986 of the Administrative Rules of Montana. (Auth. Sec. 20-2-121, 61-10-102, MCA.)

10.64.332 SKID CHAINS The rule proposed to be repealed is on page 10-988 of the Administrative Rules of Montana. (Auth. Sec. 20-2-121, MCA.)

10.64.403 BODY SIZES The rule proposed to be repealed is on page 10-991 of the Administrative Rules of Montana. (Auth. Sec. 20-2-121, MCA; IMP, Sec. 20-10-111, MCA.)

10.64.410 DOORS - EXCEPTION The rule proposed to be repealed is on page 10-996 of the Administrative Rules of Montana. (Auth. Sec. 20-2-121, MCA.)

10.64.429 STANCHIONS AND GUARD RAILS The rule proposed to be repealed is on page 10-1005 of the Administrative Rules of Montana. (Auth. Sec. 20-2-121, MCA.)

5. This section is proposed to be amended, repealed or added to agree with the newly revised national standards.

6. Interested parties may submit their data, views or arguments concerning the proposed amendments in writing to Mr. Allen D. Gunderson, 33 So. Last Chance Gulch, Helena, Montana 59620, no later than October 15, 1981.

7. If a person who is directly affected by the proposed changes wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to Mr. Allen D. Gunderson, 33 South Last Chance Gulch, Helena, Montana 59620, no later than October 17, 1981.

8. If the agency receives request for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed changes; from the Administrative Code Committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 25 persons based on the number of licensed bus owners and operators.

9. The authority and implementing sections are listed at the end of each rule.

Allen D. Gunderson

ALLEN D. GUNDERSON, CHAIRMAN
BOARD OF PUBLIC EDUCATION

by

Charles Van Dyke
Assistant to the Board

Certified to the Secretary of State on September 4, 1981.

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PROPOSED
amendment of rule 16.28.202	)	AMENDMENT OF RULE
concerning reporting require-	)	ARM 16.28.202
ments for various categories	)	(Reportable Diseases)
of diseases)	
		NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons

1. On October 19, 1981, the department proposes to amend rule 16.28.202 regarding reporting requirements for various categories of diseases.

2. The rule as proposed to be amended provides as follows:

16.28.202 REPORTABLE DISEASES Reportable communicable diseases include:

(1) Category A diseases:
Botulism, including Infant Botulism
Cholera
Diphtheria
Measles
Plague
Poliomyelitis, paralytic
Poliomyelitis, non-paralytic
Rabies, Human
Relapsing Fever (louse-borne)
Smallpox
Typhus (louse-borne)
Yellow Fever

Category A diseases also include an undiagnosed febrile illness in a person recently returning from a foreign country such as Ebola Hemorrhagic Fever, Lassa Fever, or Marburg Virus disease.

(a) A Category A disease must be reported within 6 hours of diagnosis to a local health officer followed by a written report submitted within 48 hours. The report must include the name, address, and telephone number of the infected person; the name, address, and telephone number of the reporter; and the name of the disease.

(2) Category B diseases:
Anthrax
Amebiasis
Brucellosis (Undulant Fever)
Chancroid
Encephalitis or Encephalomyelitis (post-infectious, arthropod-borne, other or unspecified)
Giardiasis
Gonococcal disease (including gonorrhea)
Granuloma inguinale
Hepatitis, Type A (Infectious, Type B (Serum), Unspecified

Legionnaires' Disease
Leprosy
Leptospirosis
Lymphogranuloma venereum
Malaria
Meningitis, Aseptic (viral)
Meningococcal Disease (Meningococcemia, Meningococcal meningitis, or other illness)
Mumps
Ornithosis (Psittacosis)
Rabies, animal (species, county, date)
Rocky Mountain Spotted Fever (Tick-borne Typhus)
Rubella (German Measles)
Rubella, Congenital
Salmonellosis
Shigellosis (bacillary dysentery)
Syphilis
Tetanus
Trichinosis
Tuberculosis (including non-pulmonary and atypical)
Tularemia
Typhoid and Paratyphoid Fever
Whooping Cough-like illness (Pertussis)
(a) A Category B disease must be reported within 24 hours of diagnosis to a local health officer. The report must include the name of the infected person, the reporter, and the disease.
(3) Category C diseases:
Chickenpox
Epidemic Gastroenteritis
Epidemic Kerato-conjunctivitis
Food-borne
Influenza
Nosocomial
Pediculosis (lice)
Ringworm (Dermatophytosis)
Scabies
Streptococcal Infections (including Scarlet Fever and "Strep Throat")
Suspected non-polio enteroviral infections
Swimmer's Itch (cutaneous larva migrans)
Water-borne
(a) Only an epidemic of a Category C disease must be reported to a local health officer. A report may be made by mail or telephone without identification of an infected person. The department may request further information.
(4) Category D diseases:
Animal Bites
Bacterial Meningitis (other than meningococcal)
Colorado Tick Fever
Guillain-Barre Syndrome

Heavy metal poisoning (lead, cadmium, arsenic, phosphorus, mercury, other)

Helminth infestations

Q-Fever

Reye's Syndrome

Rheumatic Fever (acute)

Subacute Sclerosing Panencephalitis (SSPE)

Typhus, murine

Viral exanthum in pregnant women

Exotic diseases (including but not limited to meliodosis, histoplasmosis, echinococcosis, coccidioidomycosis, and cryptococcus)

(a) ~~An exotic~~ A Category D disease must be reported within 24 hours of diagnosis to a local health officer. The report must include the name of the infected person, the reporter, and the disease.


3. The department is proposing this amendment because subsection (4) of the rule as currently written lists Category D diseases, which includes exotic diseases, but specifies the reporting requirements only for exotic diseases. It is therefore necessary to amend subsection (4)(a) to specify that the reporting requirements apply to all Category D diseases rather than only the exotic diseases designated in Category D.

4. Interested persons may submit their data, views, or arguments concerning the proposed amendment in writing to Robert L. Solomon, Cogswell Building, Capitol Station, Helena, Montana, 59620, no later than October 15, 1981.

5. If a person who is directly affected by the proposed action wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to Robert L. Solomon, Cogswell Building, Capitol Station, Helena, Montana, 59620, no later than October 15, 1981.

6. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action, from the Administrative Code Committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. The percent of those persons directly affected has been determined to be more than 25 person based on the number of local health officers, physicians, hospital and medical facilities personnel.

7. The authority of the department to make the proposed amendment is based on section 50-1-202, MCA, and implements sections 50-1-202 and 50-2-118, MCA.


JOHN J. DRYNAN, M.D., Director

Certified to the Secretary of State September 4, 1981

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA

In the matter of the) NOTICE OF PROPOSED
amendment of rules 16.16.803) AMENDMENT OF RULES
and 16.16.804 regarding fee) ARM 16.16.803
schedules for review of) AND 16.16.804
subdivisions and disposition) (Subdivision Review Fees)
of fees)
NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons

1. On October 19, 1981, the department proposes to amend rule 16.16.803 regarding fee schedules for subdivision review and rule 16.16.804 concerning disposition of fees.

2. The rules as proposed to be amended provide as follows:

16.16.803 FEE SCHEDULES (1) The fees described below pertain only to review of subdivisions as mandated by Title 76, Chapter 4, Part 1, MCA. An additional fee may be requested pursuant to the Montana Environmental Policy Act (Section 75-1-101, et seq., MCA) for the preparation of an environmental impact statement.

(a) The fees in Schedule I shall be charged:

(i) Per parcel when land is divided into one or more parcels.

(ii) Per condominium living unit except, where municipal sewer is available, the fees shall be charged per sewer hookup.

SCHEDULE I

Fee schedule for division of land into one or more parcels, and ~~fee~~ condominiums, mobile home/trailer courts, recreational camping vehicles and tourist campgrounds.

	Individual Sewerage System	Public Sewer requiring Department approval	Sewer Extension requiring Department approval	Existing Sewer Previously approved (no extensions required)
Individual Water Supply	\$25 <u>30</u>	\$25 <u>30</u>	\$25 <u>30</u>	\$20 <u>30</u>
Public Water Supply requiring Department review	\$25 <u>30</u>	\$25 <u>30</u>	\$25 <u>30</u>	\$20 <u>25</u>
Water extension requiring Department review	\$25 <u>30</u>	\$25 <u>30</u>	\$25 <u>30</u>	\$20 <u>25</u>
Existing Water Supply previously approved (no extension is required)	\$20 <u>25</u>	\$20 <u>25</u>	\$20 <u>25</u>	\$10 <u>20</u>

17-9/17/81

MAR Notice No. 16-2-193

~~(b)--The fees in Schedule II shall be charged per mobile home or trailer parcel:~~

~~(b) The fee shall be \$5 per vehicle parcel for recreational camping vehicles and tourist campgrounds where no water or sewer hookups are provided.~~

SCHEDULE II

Fee schedule per mobile home or trailer parcel.

	Individual Sewerage System	Public Sewer requiring Department approval	Sewer Extension requiring Department approval	Existing Sewer previously approved (no extensions required)
Individual Water Supply	\$15	\$15	\$15	\$10
Public Water Supply requiring Department review	\$15	\$15	\$15	\$10
Water Extension requiring Department review	\$15	\$15	\$15	\$10
Existing Water Supply previously approved (no extension is required)	\$10	\$10	\$10	\$ 5

~~(c)--The following fees shall be charged for recreational camping vehicles and tourist campgrounds:~~

~~(i)--Where water and sewer hookups are to be provided; the fee shall be five dollars (\$5) per vehicle parcel;~~

~~(ii)--Where no water and sewer hookups are provided; the fee shall be two dollars (\$2) per vehicle parcel;~~

16.16.804 DISPOSITION OF FEES (1) The department shall reimburse local governing bodies under department contract to review subdivisions as follows:

(a) ~~Five Ten~~ dollars ~~(\$5) (\$10)~~ per parcel for subdivisions containing over 5 parcels with individual sewage treatment systems.

(b) ~~Ten Fifteen~~ dollars ~~(\$10) (\$15)~~ per parcel for subdivisions containing 5 or fewer parcels with public sewer.

(c) ~~Fifteen Twenty~~ dollars ~~(\$15) (\$20)~~ per parcel for subdivisions with 3 to 5 parcels on individual sewage treatment systems.

(d) ~~Twenty Twenty-five~~ dollars ~~(\$20) (\$25)~~ per parcel for divisions of 2 parcels or less on individual sewage treatment systems.

(e) ~~Ten Fifteen~~ dollars ~~(\$10)~~ (\$15) per mobile home or trailer parcel in courts or parks containing 5 or fewer parcels installing individual or multiple family sewage treatment systems.

(f) ~~Five Fifteen~~ dollars ~~(\$5)~~ (\$15) per mobile home or trailer parcel in courts or parks containing over 5 parcels installing individual or multiple sewage treatment systems.

(g) Fifteen dollars (\$15) per condominium living unit unless municipal sewer is utilized, then fifteen dollars (\$15) per sewer hookup.

(2) The department may reimburse counties who have not been delegated review authority of subdivisions containing 5 or fewer parcels but who perform review services, including but not limited to on-site inspection of proposed and approved facilities and aiding of persons in the application procedure, as follows:

(a) Two dollars (\$2) per parcel for subdivisions containing over 5 parcels with individual sewage treatment systems.

(b) Five dollars (\$5) per parcel for subdivisions containing 5 or fewer parcels with individual sewage treatment systems.

(3) The department will reimburse the local governing bodies of ~~municipalities-five-dollars-(\$5)~~ first class cities \$15 per parcel for a subdivision coming under the master plan exclusion.

(4) The department will reimburse the local governing bodies of second and third class cities \$10 per parcel for a subdivision coming under the master plan exclusion.

~~(4)~~ (5) Funds will be reimbursed to the ~~counties~~ local governing bodies quarterly, based on the fiscal year starting on July 1 and ending on June 30 of each year.

~~(\$5)~~ (6) Fee payment should be by check or money order made payable to the Department of Health and Environmental Sciences.

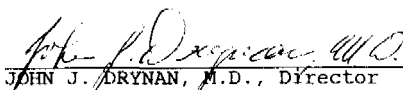
3. The proposed amendments implement House Bill 179, Ch. 553, Montana Session Laws of 1981 (amending sections 76-4-105 and 76-4-128, MCA). The 1981 legislation authorized the Department to raise the review fee from \$25 to \$30 per parcel. The proposed rule change increases the review fee to the limit set by the legislature. The exceptions are subdivisions that have sewer and/or water available in the street where the review is not as extensive and recreational camping vehicles and tourist campgrounds where no water or sewer hookups are provided. The reimbursements have been increased to counties under contract to perform review of subdivisions containing 5 or fewer parcels and to the governing bodies of cities and towns that have subdivisions reviewed under the master plan exclusion.

4. Interested persons may submit their data, views, or arguments concerning the proposed amendment in writing to Robert L. Solomon, Cogswell Building, Capitol Station, Helena, Montana, 59620, no later than October 15, 1981.

5. If a person who is directly affected by the proposed action wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to Robert L. Solomon, Cogswell Building, Capitol Station, Helena, Montana, 59620, no later than October 15, 1981.

6. If the agency receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action, from the Administrative Code Committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. The percent of those persons directly affected has been determined to be more than 25 person based on the number of developers, county officials and other persons involved in subdivision review in the state.

7. The authority of the department to make the proposed amendments is based on section 76-4-105, MCA, and the rules implement sections 76-4-105 and 76-4-128, MCA.


JOHN J. DRYNAN, M.D., Director

Certified to the Secretary of State September 4, 1981

BEFORE THE DEPARTMENT
OF PUBLIC SERVICE REGULATION
OF THE STATE OF MONTANA

IN THE MATTER of Proposed Amend-) NOTICE OF PROPOSED AMENDMENT
ment of Rule 38.5.1107 Regarding) OF RULE 38.5.1107
the Interest to be Paid on) NO PUBLIC HEARING
Deposits for Utility Service.) CONTEMPLATED

TO: All Interested Persons

1. On October 26, 1981, the Department of Public Service Regulation proposes to amend Rule 38.5.1107 which establishes that the interest on deposits for utility service shall be paid at the rate of 6 percent per annum from the time of deposit to the time of termination or refund.

2. The proposed amendment would raise the amount of interest to be paid on deposits for utility service.

38.5.1107 INTEREST ON DEPOSITS (1) Interest on deposits held shall be accrued at an annual rate based on of 6 percent per annum, the return on equity for the utility involved which is in effect at the time the deposit is made. This rate of return on equity shall be taken from the Commission's rate order then in effect. If the Commission has not established a rate of return for a utility, interest on deposits held shall be accrued at an annual rate of 10 percent. Interest shall be computed from the time of deposit to the time of refund or of termination.

3. The rule is proposed to be amended to achieve a more equitable result for those who must pay a utility a deposit.

4. Interested parties may submit their data views or arguments concerning the proposed adoption in writing to Eileen Shore, 1227 11th Avenue, Helena, Montana 59620, no later than October 19, 1981.

5. If a person who is directly affected by the proposed amendment wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to Eileen Shore, 1227 11th Avenue, Helena, Montana 59620, no later than October 19, 1981.

6. If the agency receives requests for a public hearing on the proposed amendment from either 10% of 25, whichever is less, of the persons who are directly affected by the proposed amendment; from the Administrative Code Committee of the legislature; from a governmental sub-division or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

7. The Montana Consumer Counsel, 34 West Sixth Avenue, Helena, Montana 59620 (Telephone 449-2771) is available and may be contacted to represent consumer interests in this matter.

8. The authority for the Commission to make this rule is based on Section 69-3-306, MCA and the rule implements HJR 27, 1975.

17-9/17/81

MAR NOTICE NO. 38-2-53


GORDON E. BOLLINGER, Chairman

CERTIFIED TO THE SECRETARY OF STATE SEPTEMBER 4, 1981.

BEFORE THE DEPARTMENT
OF PUBLIC SERVICE REGULATION
OF THE STATE OF MONTANA

IN THE MATTER of Proposed Amend-)	NOTICE OF PROPOSED AMENDMENT
ment of Rule 38.2.316 Regarding)	OF RULE 38.2.316
Transcripts of Proceedings)	
before the Department of Public)	NO PUBLIC HEARING
Service Regulation.)	CONTEMPLATED

TO: All Interested Persons

1. On October 26, 1981, the Department of Public Service Regulation proposes to amend Rule 38.2.316 which establishes the procedure by which a party may obtain a transcript of a proceeding before the Department.

2. The proposed amendment would clarify procedures when a reporter other than the Department's staff reporter is used.

38.2.316 TRANSCRIPTS (1) Transcripts may be requested by any party, or their preparation may be directed by the Commission. Any party, other than the Commission or its staff, who requests and receives transcripts shall pay the specified costs therefor.

(2) When a reporter other than the Commission staff reporter transcribes a hearing, the Commission will pay the reporter's appearance fee. If a utility, regulated motor carrier, or railroad requests a transcript, the reporter will also provide the Commission with an original and a copy of the transcript at the expense of the requesting party. If only the Commission requests a transcript, it will pay the costs of the transcription.

3. The rule is proposed to be amended to clarify Commission procedure.

4. Interested parties may submit their data views or arguments concerning the proposed adoption in writing to Eileen Shore, 1227 11th Avenue, Helena, Montana 59620, no later than October 19, 1981.

5. If a person who is directly affected by the proposed amendment wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any written comments he has to Eileen Shore, 1227 11th Avenue, Helena, Montana 59620, no later than October 19, 1981.

6. If the agency receives requests for a public hearing on the proposed amendment from either 10% of 25, whichever is less, of the persons who are directly affected by the proposed amendment; from the Administrative Code Committee of the legislature; from a governmental sub-division or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

7. The Montana Consumer Counsel, 34 West Sixth Avenue, Helena, Montana 59620 (Telephone 449-2771) is available and may be contacted to represent consumer interests in this matter.

17-9/17/81

MAR NOTICE NO. 38-2-54

8. The authority for the Commission to make this rule is based on Section 69-3-103(2)(b), MCA and the rule implements Section 69-3-103((2)(b).


GORDON E. BOLLINGER, Chairman

CERTIFIED TO THE SECRETARY OF STATE SEPTEMBER 4, 1981.

BEFORE THE DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES
OF THE STATE OF MONTANA

In the matter of the adoption of	)	NOTICE OF PUBLIC HEARING
rules and the amendment of Rules	)	ON PROPOSED ADOPTION OF
46.5.912 and 46.5.913 pertaining	)	RULES AND THE AMENDMENT
to family day care home and group	)	OF RULES 46.5.912 AND
day care home program requirements,	)	46.5.913 PERTAINING TO
day care center licensing,	)	FAMILY DAY CARE HOMES,
eligibility and program require-	)	GROUP DAY CARE HOMES AND
ments and special requirements for	)	DAY CARE CENTERS
facilities caring for infants.)	

TO: All Interested Persons

1. On October 7, 1981, at 9:00 a.m. a public hearing will be held in the auditorium of the Social and Rehabilitation Services Building, 111 Sanders, Helena, Montana, to consider the adoption of rules and the amendment of Rules 46.5.912 and 46.5.913 pertaining to family day care home and group day care home program requirements, day care center licensing, eligibility and program requirements and requirements for facilities caring for infants.

2. The rule proposed to be adopted provides as follows:

RULE 1 PROGRAM REQUIREMENTS FOR FAMILY DAY CARE HOMES
AND GROUP DAY CARE HOMES (1) Provider responsibilities and qualifications.

(a) The provider and all persons responsible for children in the day care provider's absence must be at least 18 years of age.

(b) The provider shall be responsible for the direct care, protection, supervision, and guidance of the children within a family day care home and group day care home.

(c) The provider shall have experience in the care and supervision of children.

(d) The provider shall submit three names and addresses of references from persons not related to the provider who can attest to the caregiver's suitability to work with children.

(e) Family relatives in the day care home shall assure a safe and stable environment for the child.

(f) Personal information about the child or his family must be kept confidential.

(g) The provider shall submit a medical statement regarding the provider's health on the form provided by the department.

(h) The provider shall attend a basic day care orientation or its equivalent within the first year of certification.

(i) It is strongly recommended that the provider have training in cardio-pulmonary resuscitation.

(2) Building requirements.

(a) In addition to these regulations, all day care homes must conform to the administrative code as adopted by local and/or state zoning and building codes.

(b) The day care home must have a minimum of 35 square feet of usable space per child.

(c) All areas used for day care purposes must have at least one door for egress of not less than 24 inches wide and a minimum of one other means of egress with a minimum of 5.7 square feet of full clear opening. All exits must be unobstructed at all times.

(d) Basements must be dry, well ventilated, warm and well lighted.

(e) All rooms occupied by children must have at least one window which can be readily used for rescue and ventilation.

(f) Third stories in dwellings must not be used for day care purposes and must be barricaded or locked to prevent entry by children.

(g) Doorways and stairs must be clear of any obstruction.

(h) Every closet door must be such that children can open the door from the inside.

(i) Every bathroom door must be designed to permit the opening of the locked door from the outside in an emergency and the opening device must be readily accessible to the provider.

(j) Protective receptacle covers must be installed on electrical outlets in all areas occupied by children under five years of age.

(k) Maintenance: A maintenance program shall be provided to maintain the home and grounds used by children to ensure the following:

(i) the building is in good repair;

(ii) the water supply, plumbing fixtures, and sewage disposal systems are in safe functioning condition;

(iii) the floors, walls, ceilings, furnishings, and other equipment are easily cleanable;

(iv) the building and grounds are free of harborage for insects, rodents and other vermin;

(v) no paint containing lead in excess of .06% shall be used; and

(vi) temperatures are maintained at a minimum of 65° F in the areas used for day care.

(3) Fire safety requirements.

(a) In addition to these regulations, all family day care and group day care homes must conform to the administrative code as adopted by the state fire marshal, as well as local and/or state fire codes.

(b) If the sleeping room is on the second story, there must be a plan to rescue children if the stairway is blocked. A UL approved smoke detector, which is properly maintained and regularly tested, must be located on the second floor and basement, if they are being used for day care.

(c) No flammable liquids will be kept in the building.

(d) A portable fire extinguisher suitable for Class B fires is required. Extinguishers must be readily accessible at all times. An ABC fire extinguisher, preferably the 5 lb. size is recommended.

(e) Mobile homes must meet all criteria plus:

(i) smoke detecting devices near all sleeping areas;

(ii) exit doors which open by turning knob;

(iii) inspection by local fire marshal whenever possible;

and

(iv) inspection by local fire marshal is required in all mobile homes constructed prior to 1976.

(f) All wood burning stoves must be properly installed and inspected by the local fire marshal. They must be protected by a guard railing of a noncombustible material.

(g) No portable electric or unvented fuel-fired heating devices are allowed. All radiators must be provided with protective enclosure.

(h) No stove or combustion heater will be so located as to block escape in case of malfunctioning of the stove or heater.

(4) Safety requirements.

(a) Cleaning materials, detergents, aerosol cans, and other poisonous and toxic materials must be kept in their original containers and in a place inaccessible to children. They must be used in such a way that will not contaminate play surfaces, food, food preparation areas, or constitute a hazard to the children.

(b) All medication must be kept in a place inaccessible to children, in their original containers, labeled with the original prescription label, and have safety lock closures on the containers.

(c) No extension cord will be used as permanent wiring and all appliance and lamp cords must be suitably protected to prevent pulling or chewing by children.

(d) Any pet or animal, regardless of ownership, present at the home, indoors or outdoors, must be in good health, show no evidence of carrying disease, and be a friendly companion of the children.

(e) Guns and ammunition must be kept in locked storage.

(f) The home must be clean, reasonably neat, and free from accumulation of dirt, rubbish, or other health hazards.

(g) Any outdoor play area used regularly must be adjacent to the day care home with 75 square feet of play space per child. It must be maintained free from hazards such as wells and machinery. If any part of the play area is adjacent

to a highway, drainage ditch, holes, or other hazardous areas, the play area must be enclosed with fencing or natural barriers to restrict children from these areas.

(h) Toys, play equipment, and any other equipment used by the children must be of substantial construction and free from rough edges, sharp corners, splinters, unguarded ladders on slides, and must be kept in good repair and well maintained.

(i) Toys and objects with a diameter of less than 1 inch (2.5 centimeters), objects with removable parts that have a diameter of less than 1 inch (2.5 centimeters), plastic bags, and styrofoam objects must not be accessible to children who are still placing objects in their mouths.

(j) Outdoor equipment, such as climbing apparatus, slides, and swings, must be anchored firmly, in good repair, and placed in a safe location according to manufacturer's instructions.

(5) Other facility requirements.

(a) Each home must have hot and cold running water with at least one toilet and one sink.

(b) Each facility must have a telephone. Those facilities which have an unlisted number must make this number available to the parent(s) and emergency contact persons of the children in care, and the appropriate regional or district offices of the department.

(c) Telephone numbers of the parents, the hospital, police department, fire department, ambulance, and poison control center must be posted by each telephone.

(d) No family day care or group day care home shall actively operate another business in the facility during the time the children are present for day care services.

(6) Equipment.

(a) Play equipment.

(i) Play equipment and materials must be provided that are appropriate to the developmental needs, individual interests, and ages of the children. There must be a sufficient amount of play equipment and materials so that there is not excessive competition and long waits.

(ii) Play equipment and materials must include items from each of the following six categories:

(A) materials for dramatic role playing (for example, dress-up clothes, costumes, puppets, housekeeping equipment);

(B) toys and materials for cognitive development (for example, games, books, puzzles, flash cards);

(C) toys and materials for visual development (for example, mobiles, film viewers, nonbreakable mirrors);

(D) toys and materials for auditory development (for example, records, record player, musical instruments);

(E) toys to handle and manipulate and art materials for tactile development (for example, clay, paint, scissors, blocks, sand, water, squeeze toys, stuffed animals, beads,

rattles); and

(F) toys and equipment for large muscle development (for example, swings, balls, sports equipment, climbing apparatus, bicycles, tumbling mats, large cardboard boxes, jump ropes).

(b) Physical equipment.

(i) High chairs, when used, must have a wide base and a safety strap.

(ii) Each child, except school-age children who do not take naps, shall have individual clean, age-appropriate rest equipment, such as a crib, cot, bed or mat. Seasonably appropriate top and bottom covering, such as sheets or blankets, must be provided.

(iii) Linens, blankets, mats, and bedding must be cleaned at least weekly or before use by another child and aired out periodically. Cribs, cots, beds, and mattresses must be cleaned thoroughly with a cleaning agent at least monthly.

(iv) Each child shall have a separate clean towel and wash cloth. Paper towels are acceptable for use as both towels and wash cloths. Soap must be available for use.

(7) Program for children.

(a) A plan of daily activities and routines, in addition to free play, must be established. The plan must be flexible to accommodate the ages and needs of individual children and the group as a whole. It is designed with intervals of stimulation and relaxation, and a balance between periods of active play and quiet play or rest.

(b) The family day care or group day care provider:

(i) will include activities which foster sound social, intellectual, emotional and physical growth;

(ii) offers children opportunities for individual and small group activities;

(iii) offers time and opportunity for creative experiences through art, music, books and stories, and dramatic play;

(iv) offers sufficient materials and equipment for art, music, books and stories, and dramatic play;

(v) offers outdoor play each day except when precluded by severity of weather.

(c) Supervision of children.

(i) At no time shall any children be left unsupervised indoors or out, with the exception of school-age children, who shall be permitted outdoor play without direct supervision, as long as their whereabouts are known at all times.

(ii) Providers shall not use any form of physical punishment, including spanking.

(iii) Infants shall be stimulated through being held, rocked, talked to and played with.

(iv) Television watching shall be limited to child-appropriate programs.

(v) The day care contract shall be required to be filled out on a form provided by the department on all chil-

dren received into care.

(8) Special program requirements.

(a) Night care program. The following requirements apply only to night care programs and are in addition to all other requirements contained in these rules except, an outdoor play area is not required, outdoor play is not required, and only a bedtime snack need be provided.

(i) Appropriately timed nutritional snacks must be provided to children in attendance for more than 2½ hours prior to bedtime.

(ii) Bedtime schedules must be established for children in consultation with the child's parent(s).

(iii) Evening quiet time activity such as story-time, games, art and craft activities, and reading must be provided to each child.

(iv) Each child shall have individual, clean, comfortable sleeping garments.

(v) There must be at least 1 bathtub or shower. Bathtubs and showers must be equipped to prevent slipping.

(vi) Children under 6 years of age will be supervised while in the bathtub or shower.

(b) Drop-in care program.

(i) All regulations for full time care apply for drop-in care.

(ii) No more than a two hour overlap period of more than the number of children for which a facility is licensed. This is to allow the home to care for children during after school hours. At no time during the hours of drop-in shall the number of children in a family day care home exceed ten or the number of children in a group day care home exceed sixteen.

(9) Health care requirements.

(a) All family members and other children residing in the facility under 12 years of age shall be immunized against diphtheria, polio, measles, and, if under 5 years of age, whooping cough. Any child with a history of measles is considered immunized. Such medical and immunization history will be recorded on forms provided by the department. The provider shall keep such medical certificates on file.

(b) No child shall be admitted to a family day care or group day care home except in an emergency before obtaining from the parent the "Medical Record of Children Receiving Day Care" prescribed by the department stating that he is free from communicable disease and that he has been immunized or is in the process of being immunized against diphtheria, tetanus, polio, measles, and, if under five years of age, whooping cough. Any child with a history of measles is considered immunized. These requirements would be waived only in the case of a signed statement by a physician indicating that immunizations would be contra-indicated for health reasons. Such medical records shall be on file at the home for each child.

(c) The name of the physician they wish called for their child and a release authorizing the provider to call said physician in case of an emergency will be obtained from the parent(s) of each child admitted.

(d) The provider is responsible for instructing each parent to keep the child home if he shows any signs of illness.

(e) If a child becomes ill or is suspected of having a communicable disease while in care, the parent shall be notified by the provider. The parent is responsible for arranging to have the child taken home.

(f) When a child is absent, the day care provider shall obtain the reasons so the interest of the other children may be properly protected. If it is a suspected communicable disease, the provider shall so inform the health officer. No child shall be re-admitted after an absence until the reason for the absence is known and there is assurance that his return will not harm him or the other children. Disease charts are available from the health department.

(g) All adults at the family day care or group day care home shall absent themselves whenever any contagious or infectious condition of their own exists or is suspected of existing.

(h) No provider shall undertake the care of a child requiring medications unless proper written instructions have been given by the parent.

(i) Each provider shall develop policies for first aid. These policies must include directions for calling parents or someone else designated as responsible for the child when a child is sick or injured.

(j) Standard Red Cross first aid procedures should be carried out and each person in charge should be familiar with them.

(k) The first aid supplies to have on hand are:

- (i) clinical thermometer (rectal and oral),
- (ii) ace bandages,
- (iii) absorbent cotton,
- (iv) syrup of ipecac,
- (v) rubbing alcohol,
- (vi) meat tenderizer (for insect bites),
- (vii) neosporin or other antibiotic ointment,
- (viii) 1" paper tape,
- (ix) a supply of dressings (2 x 2's and 4 x 4's), sterile dressings (three inch, approximately and assorted band-aids),
- (x) applicators,
- (xi) toothpicks,
- (xii) soap,
- (xiii) tongue depressors,
- (xiv) tweezers,
- (xv) safety pins,

- (xvi) large triangular bandage (large square),
- (xvii) ice bag or plastic bag to make ice pack, and
- (xviii) splinting equipment, such as cardboard.

(l) The first aid kit must not contain ointment for burns. Burns must be covered with large, dry, sterile compresses or strips from freshly laundered sheets. The provider should keep supplies in the cabinet replenished.

(m) A notation of all injuries must be made on the child's medical record including the date, time of day, nature of the injury, treatment, and whether the parent was notified.

(n) All new children shall be accompanied to the toilet, taught to use it and flush it, and to wash hands after using the toilet, and before eating. Young children should have help in toileting.

(o) Water supply.

(i) Where a municipal supply of water of satisfactory quantity and pressure is available and the municipality agrees to provide service, connection shall be made thereto and its supply used exclusively.

(ii) When a municipal system is not available, a private system may be developed and used as approved by the state or local health department. Such systems shall be designed and constructed in accordance with standards developed by the department of health and environmental sciences. Chlorination of a contaminated source of water is only acceptable when no other source of water is available. Testing must be conducted at least annually by a certified lab to ensure that the water supply remains safe.

(iii) Sanitary drinking facilities shall be provided by means of disposable single-use cups or fountains of approved design.

(p) Sewage disposal: An adequate and safe sewerage system shall be provided.

(q) Garbage storage and disposal.

(i) Garbage cans shall be provided in sufficient number and capacity to store all refuse between collections and shall be corrosion resistant, fly tight, watertight, and rodent proof with lids.

(ii) Exterior garbage racks shall be provided for all containers, designed to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around and under them.

(iii) The storage, collection and disposal of garbage shall be so conducted as to create no health hazards, rodent harborage, or insect breeding areas.

(iv) All solid waste shall be stored in approved containers which are cleaned frequently.

(v) All solid waste shall be collected at least weekly by an approved private or municipal hauler, or, if collected by the provider, transported in covered vehicles or covered containers to an approved landfill site.

- (r) Food services.
- (i) All food shall be from an approved source and shall be transported, stored, covered, prepared and served in a sanitary manner to prevent contamination.
- (ii) Milk and other dairy products shall be pasteurized.
- (iii) Home canned foods of low acid content shall be prohibited. (Ex. pressure canned foods)
- (iv) Perishable or potentially hazardous foods (high protein foods, meat, dairy products, etc.) shall be kept at temperatures above 140° F or below 45° F.
- (v) Poisonous and toxic materials shall be properly identified and shall be stored so as not to contaminate food storage or preparation.
- (vi) No persons with boils, infected wounds, respiratory diseases or other communicable diseases shall handle food or food utensils.
- (vii) Hands shall be washed with warm water and soap before handling of food.
- (viii) The kitchen area and kitchen equipment shall be capable of being cleaned and in good repair.
- (ix) All food utensils shall be properly washed and rinsed after each usage. A domestic style dishwasher may be used if equipped with a heating element.
- (x) Single service utensils may only be used once.
- (s) Laundry.
- (i) Adequate space must be provided for sorting and storing soiled and clean laundry.
- (ii) Folding of clean laundry must not take place on the same work surface used for sorting dirty laundry.
- (iii) Bedding shall be assigned to each child and shall not be used by others unless first laundered.
- (iv) Bedding shall be laundered when necessary and aired out periodically to prevent mildew.
- (t) Housekeeping - A housekeeping program shall be provided to:
 - (i) maintain the building and equipment in a clean condition;
 - (ii) maintain toys and play equipment in a clean and sanitary condition;
 - (iii) insure that soap and towels or other hand drying devices are kept available at all handwashing sinks; and
 - (iv) insure that toilet tissue is provided in all toilet rooms.
- (10) Swimming.
- (a) Children in family day care homes and group day care homes may not be allowed to use a swimming pool unless it and the surrounding area are constructed and operated in accordance with department of health and environmental sciences ARM 16.10.1207 and county and state health department standards.
- (b) Inflatable wading pools, if used, must be drained,

cleaned, sanitized and refilled with fresh water at least daily.

(c) All inground swimming pools located in the outdoor play space area or accessible to children must be fenced with a locked gate. When children are swimming, supervision must include at all times at least 1 person certified in red cross advanced life saving or an equivalent certificate by a recognized agency.

(11) Nutrition.

(a) Nutritious meals and snacks must be provided to children in such quality and quantity to meet the national research council recommended dietary allowances for children of each age. Minimum nutritional requirements, age appropriate, will be supplied to the provider by the state or county health department.

(b) Special diet orders must be submitted in writing by parents.

(c) For the child requiring a rigid diet, food shall be brought from home and labeled clearly.

(d) Menu plans shall be available to parent upon request.

(e) A record of food served shall be kept on file for at least one month.

(f) Meal and snack service to children and the preparation of food by children shall be carefully supervised.

(g) Drinking water shall be available to children and offered at frequent intervals.

(h) Proper methods of handling, preparing, and serving food in a safe and sanitary manner shall be clearly understood by the provider.

(12) Transportation.

(a) The provider shall obtain written consent from the parent(s) for any transportation provided as stated on day care contract.

(b) Vehicles used to transport children must be insured with at least the minimum insurance required by law.

(c) The operator of the vehicle shall be at least 18 years of age and possess a valid driver's license.

(d) All doors on vehicles must be locked whenever the vehicle is in motion.

(e) No vehicle shall begin moving until all children are seated and secured in age appropriate safety restraints, which must remain fastened at all times the vehicle is in motion.

(f) Children shall never be left unattended in a vehicle.

(g) The back of pickup trucks must not be used to transport children.

(13) Additional requirements for group day care homes.

(a) Provider/child ratio.

(i) There shall be at least two caregivers caring for the children at all times when there are more than six chil-

dren present at the home.

(ii) There shall be no more than four infants in a group day care home at any one time.

(b) Program for children.

(i) A written plan of daily activities and routines, in addition to free play, shall be established. The plan must be flexible to accommodate the needs of individual children and the group as a whole.

(c) Parent involvement.

(i) The provider shall provide opportunities for the parent(s) to participate in activity planning and individual meetings. In cases where the parents cannot or will not participate, documentation of written notification of meetings and activities must be placed in the child's records.

(14) Application and admission of children.

(a) The parent and child shall visit in the provider's home prior to full time day care.

(b) The parent shall be informed about the activities, hours of care, fees, policies, responsibilities for meals, clothing, health policies and supervision, transportation and pick up arrangements.

(c) Expectations of the parent.

(i) The parent shall be given the day care contract by the provider which shall be completed and returned to the provider prior to caring for the child.

(ii) The parent shall be given a copy of the day care regulations by the provider which shall be in the form of a parent handbook.

(iii) A daily attendance record shall be kept by the provider.

3. The authority of the agency to adopt the rule is based on Section 53-4-503, MCA, C. 606, L. 1981 and the rule implements Section 53-4-504, MCA, C. 606, L. 1981.

4. Rule 46.5.912 proposed to be amended provides as follows:

46.5.912 DAY CARE CENTER LICENSING SERVICES, GENERAL ELIGIBILITY AND PROGRAM REQUIREMENTS (1) The licensing requirements for day care centers are as follows:

(1) General eligibility requirements for licensure.

(a) A day care center must be licensed, which receives seven or more children simultaneously for care for more than 4 hours during any 24 hour period for 5 or more consecutive weeks.

(b) A day care center must have at least two staff members available at all times. If the group exceeds 20 children, there will be an additional staff member for each unit of children numbering up to 10 children.

(c) (b) The day care center must arrange for fire and health inspections prior to licensing. Before a license can

be issued, each applicant shall submit to the department a certificate of approval from the fire marshal bureau indicating that fire safety rules have been met.

(d) (c) Day care centers must have fire and public liability insurance coverage. This requirement may not be waived.

(e) Substantial compliance with program requirements must be documented.

(d) Prior to the issuance of a license to operate a day care center, each applicant shall submit to the department a certificate from local public health authorities certifying the satisfactory completion of training or a certificate of approval following inspection of the facility by local public health authorities.

(2) Use of the following forms is required for day care centers-

(a) The day care center must arrange for all staff members to submit a physician's report-child care personnel form-

(b) Day care centers must submit a monthly report of day care facility to the SRS district office at the end of each calendar month-

(c) Day care centers must have on file a signed medical request for any child receiving any medication-

(d) The above-enumerated forms may be obtained from any SRS office-

(3) (e) The department uses the following procedure to determine licensure of a day care center:-

(a) (i) A department social worker does a will study and evaluation evaluate of the day care center, which is to include including its fire and health reports.

(b) (ii) When all licensing requirements are met, the department district social worker will makes a recommendation for licensing to the social service worker supervisor.

(c) (iii) The social service worker supervisor will reviews the study and has makes the final decision.

(d) (iv) Licenses are issued from a SRS district office.

(e) (v) Duration of the license, not to exceed one year, is the decision of the social service supervisor, not to exceed one year-

(f) At any time a facility is found out of conformity with licensing standards, the license may be revoked by written notification from the social service supervisor. The notification will include the reasons for revocation and advice to the operator of the right to appeal-

(4) (2) Program requirements: for day care centers are as follows-

(a) The program conducted in a day care facility shall be written and shall provide experiences which are responsive to the individual child's pattern of chronological, physical, emotional, social and intellectual growth and well-being, both

active and passive learning experiences which promote the development of skills and social competence based on enhanced self-esteem and positive self-identity and shall be conducted in consultation with parents to provide experiences in harmony with the life style and cultural background of the children.

(i) This ~~item~~ requirement shall be deemed to have been satisfied if the licensing representative has been able to observe the daily program in operation as often as possible and approves the program based upon the criteria below. A facility may operate on a provisional license until the licensing inspection for programming has been completed when:

(A) the program operation reflects an on-going process of parent-staff cooperation in development and modification of program goals;

(B) the cultural diversity of the children is reflected in the program through incorporation of their language, food, celebrations, and life style;

(C) each child is recognized as an individual and his choice of activities, personal privacy, and background are respected;

(D) the program operation reflects diversity of experiences during the day for each child with opportunity for quiet and active experiences, group and individual activities, the exercise of choice and for experience with different types of equipment and materials;

(E) there are opportunities during the day when the child can take responsibility, such as getting ready for snacks or meals, getting out or putting away materials, taking care of his own clothing, etc;

(F) the program includes numerous firsthand experiences for children to learn about the world in which they live; preferably at least once a month opportunities are provided for field trip visits to places of interest in the community, and/or family and other community people are utilized as resources to further expand the exposure and experiences of the children. ~~it is suggested that field trips and/or visitors to the classroom would be planned at least one each month.~~ eCaregivers are required to secure a release form from parents before children are taken on field trips and/or taken to a doctor;

(G) learning experiences regarding the value of food in relation to growth and development is provided for both children and their parents;

(H) opportunities are provided for children to develop language, and mathematical skills, to receive readiness for reading and writing, for spontaneous conversations in a variety of situations and for regular exposure to books, drama, poetry, music and other forms of verbal expression; in multi-lingual communities, the children are exposed to the languages of the community.

(b) Caregivers shall use appropriate forms of discipline

but must not use spanking or other forms of corporal punishment or any other technique which is humiliating, shaming, frightening, or otherwise damaging to children.

(i) This ~~item~~ requirement shall be deemed to have been satisfied when:

(A) the caregiver has participated in an in-service training session regarding discipline and guidance techniques appropriate for children;

(B) the caregiver demonstrates knowledge and understanding of guidance techniques in using them in the day care setting;

(C) the caregiver contacts parents to determine the discipline used in the child's home in hopes of establishing some consistency in discipline between the home and the day care setting, ~~although it is, however, important to remember that corporal punishment is not to be utilized in a day care setting even when such practices are employed in the home.~~

(c) A daily schedule must be established for each group of children in care which will promote physical, emotional, intellectual and social development, provide regularity in the routines of program activities and physical care with sufficient flexibility to respond to individual differences in children's needs and interests, and provide a balance of quiet and active, small and large group and individual activities.

(i) This ~~item~~ requirement shall be deemed to have been satisfied if the licensing representative has been able to observe the program in operation and approves the program based on the criteria below. A facility may operate on a provisional license until the licensing inspection for programming has been completed.

(A) Each caregiver in charge of a group of children follows a written schedule of daily activities which includes time for meals, snacks, sleep, toileting, and indoor and outdoor play. ~~Caregivers are cautioned that schedules should not be inflexible and rigid.~~

(B) Children are not required at all times to move from one activity to another as a group, and the schedule is followed without rigidity in order to respond to individual needs of children. It is expected that children not participating in group activities will have adult supervision.

(C) A nap period is provided for children who need it; and for children unable to sleep, time, space and appropriate activities allowing for rest and quiet play are available.

(d) A day care ~~facility~~ center must have sufficient indoor and outdoor space and equipment in relationship to the number and ages of children in care to accommodate the full range of developmental needs of children, particularly those needs most affected by space limitations such as physical development.

(i) This ~~item~~ requirement shall be deemed to have been satisfied if:

(A) as provided for in Montana's fire, health and safety codes, the facility has a minimum of 35 square feet per child of indoor space, exclusive of floor area devoted to fixed equipment or support functions such as kitchens, offices, etc. as well as 75 square feet per child of outdoor play space;

(B) the equipment and furniture arrangement permits unobstructed floor area sufficient to allow vigorous play appropriate for each group of children in care, as well as arrangements of sleeping equipment which permits easy access to every child and unobstructed exits, or;

(C) the ~~facility~~ center obtains approval from the licensing agency of an individual space use plan related to program if special conditions warrant a variance from the minimum standard above stated. Special conditions warranting exception must be indicated on the ~~facility~~ center license. They would include circumstances such as:

(I) limited outdoor space offset by a greater amount of indoor space, such as a gym, permitting an equivalent activity program;

(II) limited indoor space offset by sheltered outdoor space; where climate permits, reliance on outdoor space for activities normally conducted indoors;

(III) scheduling for use of limited space or equipment, provided the availability to each group of children is not unreasonably short;

(IV) part day programs which can demonstrate that children can reasonably be expected to have naps or rest periods when they are away from the facility need not provide space or equipment for napping; and

(V) scheduling for the use of an adjacent school playground, nearby public or park lands, cleared vacant safe lots, and/or a street blocked off by local authorities.

(e) The amount and variety of materials and equipment available, and their arrangement and use, must be appropriate to the developmental needs of the children in care.

(i) This ~~item~~ requirement shall be deemed to have been satisfied if the licensing representative has been able to observe the program in operation for at least a full day and approves the selection, arrangement and use of materials and equipment, based on the criteria below. A ~~facility~~ center may operate on a provisional license until the licensing inspection for program requirements has been completed when:

(A) in-service training regarding the relationship of equipment and materials to the developmental needs of children is provided; special emphasis should be placed on how children learn - simple to complex and concrete to abstract;

(B) the materials and equipment in the ~~facility~~ center, their arrangement and use indicates an awareness of the developmental needs of the children in care. It is expected that at a minimum, centers will maintain a housekeeping area, table activities (manipulative toys) area, block building area,

library corner, science area, music area and creative arts area. Arrangement of these areas should be such that quiet and active zones are separated and not conflicting;

(C) the quantity and quality of materials and equipment is sufficient to permit multiple use of the same item by several children so that excessive competition and long waits are avoided;

(D) materials and equipment are of sufficient quantity and quality to provide for a variety of experiences and appeal to the individual interests of the children in care (e.g., large muscle toys and manipulative toys);

(E) furniture is durable, safe, and clean and is child size or appropriately adapted for children's use;

(F) protected areas are provided, free of traffic by children and adults, where equipment and materials can be used with minimal interference and interruption;

(G) materials are stored in an orderly way, are attractive and accessible to children, and are arranged so that children may select, remove, and replace them either independently or with assistance. Materials should be arranged and stored so as to improve the child's skills in classification, serialization, and categorization. For example, classification skills can be encouraged through the placement of equipment (e.g., dishes together, pots and pans together, cooking and related equipment next to the stove, dress up clothes next to the mirror). Size relationship of nested bowls can be made apparent by placing the largest bowl along side the next size, etc. Situations that demand classifying and categorizing can be also made part of room arrangement; all plastic fruit in one bowl; all plastic vegetables in another bowl; all yellow items in a yellow bowl;

(H) Every effort must be made by the center in organizing the classroom and selecting the learning materials to provide an appropriate balance of activity for both sexes and concomitant opportunities for staff to relate to both sexes.

(f) A day care facility center must have sufficient space and appropriate furniture and equipment to provide for support functions necessary to the program for children and to provide for the reasonable comfort and convenience of staff and parents.

(i) This item requirement shall be deemed to have been satisfied if:

(A) The facility center has appropriate storage and work areas adjacent to the area of use, to accommodate the following functions if these are conducted on the premises:

(I) administrative office functions, record storage, meeting arrangements for staff or for parent conference offering privacy of conversation;

(II) food preparation and serving;

(III) custodial services;

(IV) laundry;

(V) rest area for staff relief periods; and
(VI) storage of program materials and manipulative toys to be used and rotated at different times during the year.

(B) Appropriate equipment and furnishings are available in sufficient quantity to provide for effective utilization of the above space in relation to its intended purpose.

(g) A day care ~~facility~~ center serving school-age children shall supplement and augment, but not duplicate, the child's activities at school and at home, provide activities which are in harmony with his family's life style and cultural background and enable the child to develop his sense of independence, responsibility, identity and of mastering the skills of problem solving, helping him to achieve a place among his peers in his own neighborhood, and staff is provided in-service training regarding aspects of child development through the early and middle school years.

(i) This ~~term~~ requirement shall be deemed to have been satisfied if the licensing representative has observed the program in operation and approved the program based on the criteria below:

(A) provision is made for special interest groups in the ~~facility~~, center, or for individual pursuit, in the areas of crafts, sewing, cooking, art, music, etc., where a skilled adult is available;

(B) provision is made for individual participation in classes, clubs, or other groups holding meetings in other locations in the community and to engage in activities outside the ~~facility~~ center which may be simply riding a bike or roller skating around the block, or playing with neighborhood children in the school playground;

(C) children have regular chores of an age-appropriate nature that they are expected to perform, and, where feasible, older children have a chance to earn money either within the ~~facility~~ center or in the community;

(D) children go to and from school on their own in accordance with neighborhood standards. ~~The assumption here is that~~ caregivers are responsible to see that children attending school shall be properly dressed in clothing provided by the parent for weather conditions and shall arrive to and return from school in a safe and prompt manner;

(E) children have the opportunity appropriate to the child's age to participate in making rules and opportunities to express objections to them;

(F) Parents have participated in planning and approving the after-school activities, have participated in approving rules and agree on the management of infractions of the rules.

(h) A day care ~~facility~~ center offering night care or shift care must develop a set of plans for staff use, equipment and space usage, and program modifications for that aspect of their service, which will provide appropriately for the personal safety as well as for the emotional and physical

care of children away from their families at night.

(i) This ~~item~~ requirement shall be deemed to have been met if the licensing representative is satisfied that:

(A) special attention is given by the caregiver with the parents to provide for a transition into this type of care appropriate to the child's emotional needs;

(B) children are left for care and picked up before and after their normal sleeping period so that there is minimal disturbance of the child during sleep;

(C) a selection of toys for quiet activities which can be used with minimal adult supervision is available prior to bedtime;

(D) bathing facilities are provided; comfortable beds, complete bedding, and night clothes are available;

(E) sufficient staff are available to assist children during eating and pre-bedtime hours and during the morning period when dressing; during sleeping hours, staff shall be awake and in the immediate vicinity of sleeping children in order to provide for the needs of children and respond to an emergency; and

(F) a nutritious meal shall be served to children and a bedtime snack shall be offered.

(i) Guidance techniques, sample schedules of activities, suggested materials and equipment lists and floor plans are available for day care centers from the community services division of the department.

(j) Staffing requirements.

(i) Child/staff ratio.

(A) 4:1 for infants 0-2 years;

(B) 10:1 for children 2-6 years;

(C) 14:1 for children over 6 years.

(ii) Qualifications of staff.

(A) The director shall have an associate degree in a related field plus one year experience in child care or child development associate certification (CDA) or three years experience in child care. Existing directors are exempt from this requirement.

(B) The primary caregiver shall meet all of the qualifications of an aide plus the following:

(I) six months experience as a licensed day care home provider or day care center staff person or a bachelor of arts in education or a related field.

(II) trained in cardio-pulmonary resuscitation.

(iii) An aide is directly supervised by a primary caregiver and shall meet the following qualifications.

(A) sufficient language skills;

(B) mobility;

(C) submit annually an SS-33 personal statement of health for licensure or certification;

(D) one day of on the job orientation;

(E) eight hours of training, within the first year, in

at least two separate sessions provided either by the department or center operator or other equivalent trainer in the following areas:

(I) 4 hours - to include emotional, cognitive, physical and social development, self-esteem and creative activities;

(II) 1 hour - discipline.

(III) 1 hour - first aid;

(IV) 1.5 hours - nutrition and sanitation;

(V) .5 hours - fire safety;

(k) Parent information.

(i) The following written information shall be available to all parents: a typical daily schedule of activities, admission requirements, enrollment procedures, hours of operation, meals and snacks served, fees and payment plan, regulations concerning sick children, transportation and trip arrangements, discipline policies, religious activities and department day care standards. The parents shall comply with all relevant standards.

5. The authority of the agency to amend the rule is based on Section 53-4-503, MCA, C. 606, L. 1981 and the rule implements Sections 53-4-504, 53-4-505, 53-4-506, 53-4-508 and 53-4-510, MCA, C. 606, L. 1981.

6. The rule proposed to be adopted provides as follows:

RULE II FAMILY DAY CARE HOMES, GROUP DAY CARE HOMES AND DAY CARE FACILITIES CARING FOR INFANTS (1) Medical care and health requirements.

(a) Physical examination.

(i) Each infant shall have a preadmission physical within two weeks of admission including a statement by a physician concerning any special needs of the infant.

(ii) Health examinations shall be repeated each three months during the infant's first year and each six months during the infant's second year. The date and results of health examinations shall be submitted by the parent to the day care facility.

(iii) The provider shall give medications to a child only if the medication has been prescribed by a physician, and if a copy of the doctor's instructions and parental permission are in writing.

(b) Diapering and toilet training.

(i) A sufficient supply of clean, dry diapers shall be available and diapers shall be changed as frequently as needed. Disposable diapers, a commercial diaper service, or reusable diapers supplied by the infant's family may be used although disposable diapers are recommended.

(ii) Soiled reusable diapers shall be placed into separate cleanable covered containers provided with waterproof liners prior to transport to laundry, parent, or acceptable

disposal. These containers shall be emptied, cleaned and disinfected at least daily. Soiled disposable diapers shall be disposed of immediately into an outside trash disposal or put in a securely tied plastic bag and discarded indoors until outside disposal is possible. Reusable diapers shall be removed from the facility daily.

(iii) Diaper-changing surfaces shall be cleaned after each use by washing or by changing a pad or disposable sheeting and sanitized or covered for reuse.

(iv) Soft, absorbent, disposable towels or clean reusable towels which have been laundered between each use shall be used for cleaning the infant.

(v) Safety pins shall be kept out of reach of infants and toddlers. Infants shall not be left unattended on a surface from which they might fall.

(vi) All toilet articles shall be identified and separated as to each infant and kept in a sanitary condition.

(vii) Diapering and toilet areas shall contain a wash basin that is separate from that used for food preparation.

(viii) There shall be posted in a conspicuous place in diapering, feeding and toilet areas a reminder that employees must wash their hands before and after feeding infants and after changing diapers or using the toilet facilities.

(ix) Toilet training shall be initiated when readiness is indicated for the child and in consultation with the child's parent(s) or placement agency. There shall be no routine attempt to toilet train infants under the age of 18 months.

(c) Clothing.

(i) Wet or soiled clothing shall be changed promptly. Parent(s) shall provide additional clothing and it is the responsibility of the parent(s) to care for the clothing.

(d) Feeding.

(i) An individualized diet and feeding schedule shall be provided according to a written plan submitted by the parent(s) or by the child's physician with the knowledge and consent of the parent(s), guardian or placement agency. A change of diet and schedule shall be noted on each child's daily activity schedule.

(ii) Formula feedings of infants under one year of age shall be on a schedule agreed upon by the infant's parent(s), guardian or placement agency and the provider.

(iii) A day's supply of formula or breast milk in nursing bottles shall be provided by the parent(s). Bottles of formula or breast milk shall be clearly labeled with each infant's name and date. After use bottles shall be thoroughly rinsed before returning to the parent. Special dietary foods required by the infant shall be prepared by the parent(s).

(iv) Bottles shall be refrigerated immediately upon arrival at the facility. All bottles shall be returned to the parent at the end of the day.

(v) Bottles shall not be propped. Infants too young to sit in high chairs shall be held in a semi-sitting position for all feedings. Older infants and toddlers shall be fed in safe high chairs or at baby feeding tables. Infants six months of age or over who show a preference for holding their own bottles may do so provided an adult remains in the room and within observation of the infant. Bottles shall be taken from the infant when he/she finishes feeding, when the bottle is empty and while the infant is sleeping.

(vi) If the parent is unable to bring sufficient or usable formula or breast milk, the facility may use commercially prepared and packaged formulas. Older infants shall be provided suitable foods which encourage freedom in self-feeding. Unused infant food shall be stored in the original container and kept separate from other foodstuffs. Dry cereal, cookies, crackers, breads and similar foods shall be stored in clean, covered containers.

(vii) If the container in which the formula was purchased does not include a sanitized bottle and nipple, then transfer of ready-to-feed formula from the bulk container to the bottle and nipple feeding unit must be done in a sanitary manner in the kitchen. Bottles filled on the premises of the facility should be refrigerated immediately if not used and contents discarded if not used within 12 hours.

(viii) Any formula provided by the parent(s), guardian, placement agency or provider shall be in a ready-to-feed strength or require no preparation other than dilution with water at the day care facility.

(ix) If bottles and nipples are to be used by the facility, they must be sanitized by boiling for 5 minutes or more just prior to refilling. Terminal (one-step) sterilization of bottles, nipples and formula is acceptable.

(e) Bathing.

(i) Bathing shall not be done routinely by the facility but if required:

(A) No child shall be left unattended in the bathing area.

(B) Bathing materials shall be sanitized after bathing the infant.

(C) Nonallergic soap shall be used.

(D) Arrangements shall be made so a child can not turn on hot water while being bathed. Water supply to bathing area will not be over 120°F.

(E) The bathing area shall be out of drafts and provisions should be made so the child may be completely dried after a bath.

(f) Sleeping.

(i) There shall be adequate opportunities for sleep periods during the day suited to the infants individual needs.

(ii) Infants shall be provided with cribs for sleeping until, at the discretion of the parent and provider, they are

safe on a cot or mat. Cot or mat surfaces may be of plastic or canvas or other material which can be cleaned with detergent solution and allowed to air dry.

(iii) Cribs shall be made of wood, metal or approved plastic and have secure latching devices. Cribs purchased for the use of infants shall have no more than 2 and 3/8 inches of space between the vertical slats. Mattresses shall fit snugly to prevent the infant from being caught between the mattress and crib siderail. Crib mattresses shall be waterproof and easily sanitized. Cribs, cots or mats shall be thoroughly cleansed before assignment to another infant.

(iv) Cribs, cots or mats shall be spaced to allow for easy access to each child, adequate ventilation, and easy exit. Aisles between cribs or cots shall be kept free of obstructions while cribs or cots are occupied.

(v) Each infant shall have been provided by the parent with a clean washable blanket or other suitable covering for his/her use while sleeping. Each infant's bedding shall be stored separate from bedding used by other infants.

(vi) All cries of infants shall be investigated.

(2) Program requirements.

(a) Toys.

(i) Toys and materials shall be provided that are appropriate to the developmental needs, individual interests, safety, and age of the infants. Toys shall be provided of a variety that can both be used individually by the infant and those that require adult participation with the infant.

(b) Transportation.

(i) Facilities providing transportation for infants shall comply with the following requirements:

(A) All vehicles shall be equipped with car beds and/or children's car seats that meet federal department of transportation standards.

(B) Car beds shall be anchored securely to the floor of the vehicle. Infants shall be strapped in the car bed.

(C) Car seats shall be fastened securely to the seat or to the floor of the vehicle. Children shall be secured with safety belts anchored to the floor.

(I) Any infant who has developed skill to sit alone safely shall use a car seat, not a car bed.

(II) There shall be no more than one infant in each car bed or car seat.

(D) There shall be one adult in addition to the driver for each four (4) infants being transported. When transporting more than two infants, there will be a minimum of two adults. No child shall be left unattended in a vehicle. An adult shall accompany each child to and from the vehicle to the child's home or the home authorized by the parent(s) to receive the child.

(c) Activities.

(i) All infants shall have ample opportunity during each

day for freedom of movement, such as creeping or crawling or rolling in a safe, clean, open uncluttered area.

(ii) An infant who is awake shall not spend more than one hour of consecutive time confined in a crib, playpen, jump chair or walker.

(iii) Each infant shall have individual personal contact and attention by the same adult on a regular basis at least once each hour during nonsleeping hours. Examples of personal contact and attention include being held, rocked, taken on walks inside and outside the center, talked to and played with.

(iv) Each infant shall be allowed to maintain his/her own pattern of sleeping and waking periods.

(v) There shall be provisions for the infant to safely explore and investigate the environment. There shall be both stimulation and time for quiet activity. Infants shall be taken outside for some period during each day in good weather.

(d) Building and space.

(i) Infants shall be protected from draft and prolonged exposure to direct sunlight.

(ii) The play areas for infants shall be separate from older children's play areas, or not be used for any other group of children while being used for infants. Sleeping areas shall be separate from play areas.

(iii) The outdoor activity area shall be fenced and free of hazards which are dangerous to the health and life of infants. The outdoor area shall be designed so that all parts are always visible to and easily supervised by staff.

(iv) Adequate protection against insects shall be provided.

(v) Provision shall be made for both sunny and shady areas.

(e) Equipment.

(i) Equipment, material, and furnishings of the center, whether for indoor or outdoor use, shall be of sturdy, safe construction, easy to clean, and free from hazards which might be dangerous to the life or health of the children. Equipment shall be kept clean and in good condition, free from sharp points or corners, splinters, protruding nails, loose or rusty parts, or paint which contains lead or other poisonous materials.

(ii) Feeding tables equipped with a harness or high chairs with a broad base and a harness for securing the child, shall be provided for every four children.

(iii) The facility shall provide, in adequate numbers, playpens, jump chairs and adult rocking chairs.

(3) Staff requirements.

(a) Staff/infant ratio.

(i) Each facility caring for infants shall maintain a staff ratio of one caretaker for each four (4) infants in attendance.

(ii) Each infant shall be assigned one primary caregiver.

(iii) There shall be sufficient staff so that an adult is always present and supervising when infants are sleeping.

(4) Special requirements for day care centers.

(a) Day care centers caring for infants shall arrange for at least quarterly on-site visits, at center expense, by an LPN, RN or physician trained in the care of young children. A record of the visit must be kept on file at the center.

(b) Day care centers shall post the diet and schedule in an area clearly visible to the center staff.

(c) Individual storage space that is labeled for the infant's clothing shall be provided.

(d) Clothing worn to and from work by the day care center staff members shall be covered by or replaced with clean comfortable non-irritating washable smock or similar clothing.

7. The authority of the agency to adopt the rule is based on Section 53-4-503, MCA, C. 606, L. 1981 and the rule implements Section 53-4-504, MCA, C. 606, L. 1981.

8. Rule 46.5.913 proposed to be amended provides as follows:

46.5.913 DAY CARE CENTER LICENSING SERVICES PROVIDED
The department will provide the following:

(1) assistance to the applicant to meet licensing standards;

(2) counseling services around child problems;

(3) assistance to the day care center in providing programs which contribute to the development of the children;

(4) supplying the operator with the proper forms to obtain agency payment; each month the operator must submit a voucher for child care services to an SRS district office before deadline date, as established by the SRS district office; and

(5) technical assistance to day care centers for staff training;

(6) the department or its authorized representative shall make periodic visits to all licensed day care centers to ensure that minimum standards are maintained; and

(7) the department may investigate and inspect the conditions and qualifications of any day care center seeking or holding a license.

9. The authority of the agency to amend the rule is based on Section 53-4-503, MCA, C. 606, L. 1981 and the rule implements Sections 53-4-508 and 53-4-511, MCA, C. 606, L. 1981.

10. These rules are proposed to be amended and adopted due to the passage of HB 646 (C. 606, L. 1981) passed by the 47th Legislature which provided that the rules for licensing or registration address the following areas:

1) Family day care homes and group day care homes: character, suitability, qualifications of applicants to care for children; programs and practices for health, safety, transportation, development; ages and number of children that may be cared for in a day care facility.

2) Day Care Centers: in addition to the above, number of staff required for adequate supervision; physical facilities and equipment; admission procedures; health supervision of staff, essential records, general financial ability and competence of an applicant to provide necessary care and maintain prescribed standards.

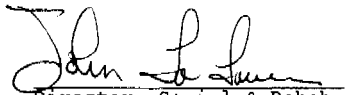
3) Rules dealing with health and safety developed with the assistance of the Department of Health and Environmental Sciences (53-4-506, MCA).

The proposed adoption and amendment of rules are necessary since HB 646 created a new type of facility, the group day care home, and implemented registration in lieu of licensing for family and group day care homes. Because of the new provisions in HB 646 and the fact rules have not been revised since 1965, the 47th Legislature anticipated new rules would be promulgated and so stated in the Statement of Intent for HB 646.

All other changes in the rules are in wording for clarification purposes only.

11. Interested parties may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to the Office of Legal Affairs, Department of Social and Rehabilitation Services, P.O. Box 4210, Helena, Montana, no later than October 15, 1981.

12. The Office of Legal Affairs, Department of Social and Rehabilitation Services has been designated to preside over and conduct the hearing.


Director, Social & Rehabilitation Services

Certified to the Secretary of State September 4, 1981

17-9/17/81

MAR Notice No. 46-2-304

BEFORE THE DEPARTMENT OF ADMINISTRATION
BUILDING CODES DIVISION
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF THE AMENDMENT
of rule ARM 2.32.101 concerning) OF ARM 2.32.101
the adoption by reference of)
the Uniform Building Code)

TO: All Interested Persons:

1. On July 16, 1981, the Department of Administration published a notice of proposed amendment to the above rule concerning the adoption by reference of the Uniform Building Code at pages 662 and 663 of the 1981 Montana Administrative Register, issue number 13.

2. The agency has amended the rule as proposed.

3. No comments or testimony were received.

In the matter of the amendment) NOTICE OF THE AMENDMENT
of rule ARM 2.32.105 concern-) OF ARM 2.32.105
ing the Adoption of the Uni-)
form Mechanical Code by)
reference)

TO: All Interested Persons:

1. On July 16, 1981, the Department of Administration published a notice of proposed amendment to the above rule concerning the adoption of the Uniform Mechanical Code by reference at pages 664 through 667 of the 1981 Montana Administrative Register, issue number 13.

2. The agency has amended the rule as proposed.

3. No comments or testimony were received.

In the matter of the amendment) NOTICE OF THE AMENDMENT
of rule ARM 2.32.302 concern-) OF ARM 2.32.302
ing the adoption of the Uni-)
form Plumbing Code by reference)

TO: All Interested Persons:

1. On July 16, 1981, the Department of Administration published a notice of proposed amendment to the above rule concerning the adoption of the Uniform Plumbing Code by reference at pages 670 through 673 of the 1981 Montana Administrative Register, issue number 13.

2. The agency has amended the rule as proposed.

3. No comments or testimony were received.

In the matter of the amendment) NOTICE OF THE AMENDMENT
of rule ARM 2.32.407 concern-) OF ARM 2.32.407
ing the State Electrical Code)

TO: All Interested Persons:

1. On July 16, 1981, the Department of Administration published a notice of proposed amendment to the above rule concerning the State Electrical Code at pages 674 through 676 of the 1981 Montana Administrative Register, issue number 13.

2. The agency has amended rule ARM 2.32.407 with the following changes:

2.32.407 ELECTRICAL INSPECTION FEES

(1) The following is the schedule of electrical inspection fees:

<u>Type of Installation</u>	<u>Permit Fee</u>
--temporary construction service	no separate charge
--single-family dwellings (includes garage wired at the same time as the house)	
+25 100 to 200 amp service	\$ 65
201 to 300 amp service	100
301 or more amp service	125
--private property accessory buildings (garages, barns, sheds, etc.)	
+25 up to 200 amp panel	30
201 to 300 amp panel	75
301 or more amp panel	100
--multi-family dwellings (duplex through 12 units) per dwelling unit	30*
*For buildings containing more than 12 units, use the commercial schedule that follows.	
--interior rewire only or new addition to a home	35
--change of service	20
--mobile home installation (in a court)	20
--mobile home installation (outside a court)	30
--modular homes	
no basement	30
with a basement and/or garage	50
--mobile home courts and/or recreational vehicle parks (new, rewire, or addition) first 3 spaces (per space)	10

additional spaces over 3 spaces (per space)	\$ 3
--new service only (livestock well, irrigation well, etc.)	30
--irrigation pumps or machines per unit (one pump and/or one pivot)	25
--all other installations (commercial, industrial, institutional, or for public use):	

<u>Cost of Electrical Installation</u>	<u>Fee</u>
0 - \$ 1,000	\$30
\$ 1,001 - \$10,000	\$30 for 1st \$1,000 plus 1.5% of balance of construction cost
\$10,001 - \$50,000	\$165 for 1st \$10,000 plus .5% of balance of construction cost
\$50,001 or more	\$365 for 1st \$50,000 plus .3% of balance of construction cost

--temporary construction service (for commercial, industrial, institutional, or public use jobs only) 20

NOTE: This additional \$20 fee is required in addition to the above inspection fees if a temporary service will be used, and is to be paid at the same time as the regular permit fee before construction begins.

(2) If the application for permit and the proper fees, as determined under subsection (1) of this rule, are not sent to the electrical safety bureau prior to or upon commencement of the electrical work, the fees will be doubled and will have to be paid before the permit will be issued.

(3) The fee for a requested electrical inspection is \$30, provided that such service is not in excess of 1 hour in duration, and then \$15 for each 30 minutes or fractional part thereof in excess of 1 hour. Travel and per diem will also be charged at the rates established under Title 2, chapter 18, part 5, MCA.

3. No comments or testimony were received. However, a minor change was made to correct a typographical error in the proposed amendment.

In the matter of the amendment } NOTICE OF THE AMENDMENT
of rule ARM 2.32.202 concern- } OF ARM 2.32.202
ing the extent of local code }
enforcement programs }


TO: All Interested Persons:

1. On July 16, 1981, the Department of Administration published a notice of proposed amendment to the above rule concerning the extent of local code enforcement programs at pages 668 and 669 of the 1981 Montana Administrative Register, issue number 13.
2. The agency has amended rule ARM 2.32.202 with the following changes:

2.32.202 EXTENT OF LOCAL PROGRAMS

(1) Counties and municipalities, as provided by 50-60-102, MCA, may adopt codes to cover all buildings within their jurisdictional area. However, as provided by 50-60-102, a county or municipality may not cover residential buildings containing less than five dwelling units or their attached-to structures, any farm or ranch building, and any private garage or private storage structure used only for the owner's own use unless the local legislative body or board of county commissioners by ordinance or resolution makes the building code specifically applicable to those structures. A county or municipality may accomplish this by making its building codes applicable to "all buildings within the" county's or municipality's jurisdictional area.

3. No adverse comments or testimony were received. However, comments were received from the City Attorney of Kalispell suggesting minor changes to the proposed amendment of the rule. His suggestions have been incorporated in the final adopted version as reflected above in paragraph 2.



Morris Brusett, Director
Department of Administration

Certified to the Secretary of State 9/2/81, 1981.

BEFORE THE TEACHERS' RETIREMENT BOARD
OF THE STATE OF MONTANA

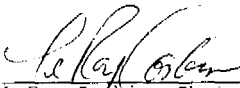
In the matter of the	)	NOTICE OF THE AMENDMENT
amendment of rule ARM	)	OF ARM 2.44.504
2.44.504 specifying the date)	
of first eligibility)	
for disability retirement)	
benefits under the Teachers')	
Retirement System.)	

TO: All Interested Persons:

1. On May 28, 1981, the Teachers' Retirement Board published notice of a proposed amendment to the above rule concerning date of eligibility for disability retirement benefits under the Teachers' Retirement System at page 480 of the 1981 Montana Administrative Register, issue number 10.

2. The agency has amended the rule as proposed.

3. No comments or testimony were received.



LeRoy Corbin, Chairman
Teachers' Retirement Board

Certified to the Secretary of State Sept 2, 1981.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the adoption	)	NOTICE OF ADOPTION OF
of a temporary emergency rule	)	EMERGENCY RULE TEMPOR-
temporarily suspending all	)	ARILY SUSPENDING USE OF
sales and applications of	)	ENDRIN FOR ANY PURPOSE.
Endrin for any purpose.)	

TO ALL INTERESTED PERSONS

(1) Statement of reason for declaring an emergency:

(a) The department has reason to believe that a considerable quantity of the pesticide, Endrin, is proposed to be used in the near future, for insect control.

(b) Studies presently being conducted by this department and the Department of Fish, Wildlife, and Parks show that measureable levels of Endrin presently exists in representative samples of game birds taken from areas wherein Endrin was applied earlier this year. It is the consensus of this department and the Department of Fish, Wildlife and Parks, that the introduction of more Endrin into the environment of game birds should be avoided, particularly in view of the fact that acceptable substitutes are available.

(c) Studies presently being conducted by this department and the Department of Livestock indicate that if Endrin is applied as proposed, that some of the Endrin would be transferred to cattle that fed or grazed on the treated wheat plants, with a reasonable probability that some Endrin would remain in the meat as a residue, making the cattle unsaleable.


(d) Because of the concern about the game bird environment, and of the great probability of rendering beef cattle unsaleable, as set forth above, the department hereby finds that an imminent emergency exists which threatens public health, safety and welfare, and which requires the adoption and implementation of this rule immediately, without prior notice.

RULE I. SUSPENSION OF ALL USES OF ENDRIN (1) The department hereby suspends all sale and application of Endrin within this state, effective immediately. This suspension is to continue in effect until January 1, 1982.

(2) This emergency rule will expire January 1, 1982.

(3) These rules are authorized and promulgated under sections 80-8-105(3), (a), (b), and (4), and 2-4-303 MCA. IMP - same.

Dated this 4th day of September, 1981.


W. Gordon McOmber, Director
MONTANA DEPARTMENT OF AGRICULTURE

STATE OF MONTANA
DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF MORTICIANS

In the matter of the amendment) NOTICE OF AMENDMENT OF
of ARM 40.28.402 concerning) ARM 40.28.402 APPLICATIONS
applications)

TO: All Interested Persons:

1. On July 30, 1981, the Board of Morticians published a notice of proposed amendment of ARM 40.28.402 concerning applications at pages 702 and 703, Montana Administrative Register, issue number 14.

2. The board has amended the rule exactly as proposed.

3. No comments or testimony were received.

BOARD OF MORTICIANS
J. EVERETT BULLIS, CHAIRMAN

BY: 

GARY BUCHANAN, DIRECTOR
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, September 4, 1981.

BEFORE THE MONTANA HISTORICAL SOCIETY
OF THE STATE OF MONTANA

In the matter of the)
adoption of rules)
specifying cultural and)
aesthetic project grant)
conditions)

NOTICE OF THE ADOPTION
OF RULES 10.121.801,
10.121.803, 10.121.804

TO: All Interested Persons.

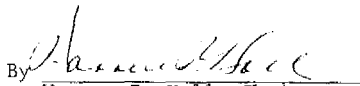
1. On July 16, 1981, the montana historical society published notice of a proposed adoption of rules concerning cultural and aesthetic project grant conditions at pages 680 through 682 of the 1981 Montana Administrative Register, issue number 13.

2. The agency has adopted the rules as follows:
10.121.801 Grant Proposals, as proposed
10.121.803 Grant Conditions, with the following changes:
(1)-(5) same as proposed rule, insert as (6) All grant recipients shall agree that no person shall, on the grounds of race, color or national origin, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any program or activity which results from the expenditure of grant funds. (6) renumbered as (7) then as proposed.

10.121.804 Disbursement of Funds, as proposed

3. No adverse comment or testimony were received.

4. Rule 10.121.802, Submission of Proposals to the Legislature, will not be adopted. More public comment and testimony will be sought on this rule.

By 
Warren P. Hall, Chairman
Board of Trustees

Certified to the Secretary of State August 28, 1981.

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF THE AMENDMENT
amendment of rule 16.28.1005	)	OF RULE
requiring tuberculin testing	)	ARM 16.28.1005
for employees of public or)	
private schools or day care)	
facilities)	

TO: All Interested Persons

1. On July 30, 1981, the department published notice of a proposed amendment of rule 16.28.1005 concerning tuberculin testing requirements for employees of schools and day care facilities at page 712 of the 1981 Montana Administrative Register, issue number 14.

2. The department has amended the rule with minor editorial changes but substantially as proposed.

3. The Legislative Council suggested clarification of the phrase "within 30 days of commencing employment" in subsection (1). The Department has clarified the language to read "either before or within 30 days after commencing employment." Similarly, the Legislative Council suggested clarification of the phrase "within 4 weeks of commencing employment" in subsection (3)(a). The Department has clarified the language to read "either before or within 4 weeks after commencing employment."


JOHN J. DRYNAN, M.D., Director

Certified to the Secretary of State September 4, 1981

BEFORE THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES OF THE
STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF THE AMEND-
Rule 46.9.205 pertaining to stand-)	MENT OF RULE 46.9.205
ards of assistance in regards to)	PERTAINING TO SUPPLE-
supplemental payment to recipients)	MENTAL PAYMENTS TO
of supplemental security income)	RECIPIENTS OF SUPPLE-
)	MENTAL SECURITY INCOME

TO: All Interested Persons

1. On July 30, 1981, the Department of Social and Rehabilitation Services published notice of a proposed amendment to Rule 46.9.205 pertaining to standards of assistance in regards to supplemental payment to recipients of supplemental security income at page 763 of the Montana Administrative Register, issue number 14.

2. The agency has amended the rule as proposed.

3. No comments or testimony were received.

In the matter of the amendment of)	NOTICE OF THE
Rule 46.12.2002 pertaining to re-)	AMENDMENT OF RULE
quirements of physician services,)	46.12.2002 PERTAINING
abortion procedures)	TO PHYSICIAN SERVICES,
)	ABORTION PROCEDURES

TO: All Interested Persons

1. On July 16, 1981, the Department of Social and Rehabilitation Services published notice of the proposed amendment to Rule 46.12.2002 pertaining to requirements of physician services, abortion procedures at page 683 of the Montana Administrative Register, issue number 13.

2. The agency has amended the rule as proposed.

3. Summary of comments opposing amendment of Rule 46.12.2002 pertaining to abortion services which were presented at the public hearing on August 6, 1981:


The rule discriminates against the poor woman who has been raped or has been the victim of incest and cannot afford an abortion; the proposed amendment imposes one moral viewpoint on all poor women; the restrictions leave the poor woman who is a victim of rape or incest with the choice of an unwanted pregnancy, a self-abortion, or depriving existing children of food to pay for an abortion (several case studies

were outlined); the restrictions cause delay in obtaining an abortion and thereby increase medical risk; rape and incest are both prevalent and traumatic and pregnancies do result from these crimes.

Response:

The Federal 1981 Supplemental Appropriations and Rescission Act limits federal funding of abortions under the medical program to situations where the life of the mother is endangered. States have the option of using 100% state funds to pay for abortions but this is not an option for this Department at this time.

The Montana legislature has clearly expressed its intent that the Department not use 100% state funds for any services, 53-6-102, MCA: "Medical services shall be provided to the fullest extent that monies appropriated, collected, accumulated, or matched from any source by the Department of Social and Rehabilitation Services will allow." It is clear that services can be more fully provided if matched with federal funds. A further indication of Legislative intent can be found in 50-20-103, MCA: "It is the intent of the legislature to restrict abortion to the extent permissible under decisions of appropriate courts or paramount legislation."



Director, Department of Social
and Rehabilitation Services

Certified to the Secretary of State September 4, 1981

VOLUME NO. 39

OPINION NO. 30

TRAFFIC - Application of traffic regulation statute which governs conduct "upon the highways and elsewhere throughout the state";

MONTANA CODE ANNOTATED - Section 61-7-102, 61-8-101, 61-1-201.

HELD: A statute regulating operation of motor vehicles which, by its terms, applies to conduct "upon the highways and elsewhere throughout the state," may be applied to conduct occurring on private property.

17 August 1981

John R. Prater, Esq.
Prairie County Attorney
P.O. Box 625
Terry, Montana 59349

Dear Mr. Prater:

You have requested my opinion as to whether the provisions of the Uniform Accident Reporting Act, Title 61, Chapter 7, MCA, hereafter referred to as "the Act", may be applied to accidents occurring on private property. Section 61-7-102, MCA, provides that the Act applies "upon highways and elsewhere throughout the State." This language was originally enacted in Chapter 263, §22, Laws of 1955. As enacted, this statute created a general rule that traffic laws applied only on highways, subject to specifically stated exceptions. The 1955 enactment created exceptions for provisions governing reckless driving, driving under the influence of alcohol or drugs, and for the accident reporting provisions of the Act. In codifying the Montana Code Annotated, the legislature separated the Act from the general traffic regulations, and codified the exception for the Act created in the 1955 statute as a separate section, 61-7-102, MCA. The remainder of section 22 of the 1955 act is codified at 61-8-101(1), MCA.

The Montana Supreme Court has yet to define the reach of traffic laws which are statutorily stated to apply "upon the

highways and elsewhere throughout the state." However, similar language in statutes of other states has been construed to permit application of traffic regulations to conduct occurring on private property. See, Annot., 29 ALR 3d 938, §5 (1970), and cases there cited. As noted above, the general rule is that traffic regulations apply only on highways. Since the definition of "highway" includes every road maintained for public use, see section 61-1-21, MCA, if the phrase "and elsewhere throughout the state" is to have any meaning, it must be construed to permit application of the statutes containing the phrase to conduct occurring on private property.

THEREFORE, IT IS MY OPINION:

A statute regulating operation of motor vehicles which, by its terms, applies to conduct "upon the highways and elsewhere throughout the state," may be applied to conduct occurring on private property.

Very truly yours,



MIKE GREELY
Attorney General

VOLUME NO. 39

OPINION NO. 31

ALCOHOL - Provision by local government of alcohol and drug abuse services;
COAL BOARD - Eligibility for grant of local government drug and alcohol abuse proposal;
LOCAL GOVERNMENT - Power to provide alcohol and drug abuse services through contract with private agency;
MONTANA CODE ANNOTATED - Section 7-1-111 through 7-1-114, Title 53, Ch. 24 Article XI, § 6, 1972 Mont. Const.;
OP. ATT'Y GEN. - Volume 37 No. 22 1978;
OP. ATT'Y GEN. - Volume 37 No. 105 (1978);
OP. ATT'Y GEN. - Volume 37 No. 68 (1978).

- HELD:
1. Local government units with self-government powers and counties with general government powers are authorized to provide alcohol and drug abuse treatment services under Title 53, Chapter 24, MCA.
 2. Local governments may contract with non-profit corporations for the provision of such services.
 3. A program of alcohol and drug abuse treatment services provided by contract with a private non-profit corporation is a "governmental service or facility" under section 90-6-205(4), MCA, for the purpose of determining eligibility for coal impact assistance.

1 September 1981

Herschel M. Robbins, Chairman
Montana Coal Board
Department of Commerce
Capitol Station
Helena, Montana 59620

Dear Mr. Robbins:

You have requested my opinion regarding the eligibility for coal board grants of certain local government proposals to provide social assistance for persons with alcohol and drug abuse problems.

Montana Administrative Register

17-9/17/81

Your letter informs me that the City of Billings and Yellowstone County have proposed to purchase and renovate a building for the use of the Rimrock Foundation, a non-profit corporation providing treatment for alcohol and drug-related problems. The City proposes to issue industrial revenue bonds to fund a portion of the project, and the county has sought a \$600,000 grant from the Montana Coal Board to provide the remainder of the required funds. Under the proposal, title to the building would remain in the City of Billings until retirement of the industrial revenue bonds at which time the title would vest in the Rimrock Foundation. You inquire whether this proposal makes the county eligible for coal impact assistance under Title 90, Chapter 6, Part 2, MCA.

Your first question is whether the building in question is a "governmental facility" under the provisions of section 90-6-205, MCA, which provides in part:

The board may:

(4) award grants, subject to 90-6-207... to local governmental units and state agencies to assist local governmental units in meeting the local impact of coal development by enabling them to adequately provide governmental services and facilities which are needed as a direct consequence of coal development. ***

You suggest that since under the plan title to the building will vest in a private corporation, the building is not a "governmental facility" and the proposal is therefore not eligible for coal impact aid under Title 90, Chapter 6, Part 2, MCA. This approach begs the question, since eligibility for assistance under section 90-6-205, MCA does not turn on whether title to the building remains in a governmental entity. The statute authorizes grants to aid in provision of "governmental services and facilities." In 37 OP. ATT'Y GEN. NO. 22 (1977), I held that the terms "government services" "governmental services and facilities", and "public services", all of which appear in Title 90, Chapter 6, Part 2, are interchangeable and that they refer to "those services and facilities which are provided by or through a governmental unit in exercise of powers granted such unit by the Legislature." 37 OP. ATT'Y GEN. at 99. I therefore conclude that if this proposal is a legitimate exercise of express or implied local government power, the fact that the

project includes transfer of a building or facility from governmental to private ownership does not in itself render the project ineligible for coal impact assistance.

This inquiry is closely connected to your second question - whether a county or city has the power to expend funds for the purchase of a building, title to which will eventually vest in a private corporation. As a general matter, a county has the power to grant funds to a non-profit private corporation if the grant is supported by consideration, typically in the form of an obligation on the part of the corporation to perform some service for the local government. If the arrangement is supported by such consideration, it makes no difference that the funds provided by the county are used to purchase a building for the non-profit corporation. I examined this question in 37 OP. ATT'Y GEN. NO. 105 (1978) in the context of expenditure of revenue sharing funds, and much of that analysis is pertinent here. As noted in that opinion:

A determination concerning the authority of a county to enter into a particular contract typically involves two inquiries. First, does the county have the power to provide the service which the non-profit organization will obligate itself to perform? Second, is a contract with a non-profit organization a reasonable and appropriate means of providing that service.

Id. at 446.

The question of whether a particular service may be performed depends, in the first instance, on the nature of the local government unit. Units with self-government powers have all powers not specifically excluded, Article XI, Section 6, 1972 Mont. Const., see 37 OP. ATT'Y GEN. NO. 68 (1977), while general power local governments have only those powers granted specifically by statute or necessarily implied. Roosevelt County v. State Board of Equalization, 118 Mont. 31, 37, 162 P.2d 887 (1947); 37 OP. ATT'Y GEN. NO. 89 (1977). The City of Billings is a charter self-government. Since the power to furnish care and treatment for persons with alcohol and drug-related problems is not specifically excluded, see sections 7-1-111 and 7-1-114, MCA, the City has the power to provide such services. Yellowstone County, on the other hand, possesses only general government powers. It is therefore necessary to

examine the statutory powers of county governments to determine whether the county has the express or implied power to provide alcohol and drug abuse treatment.

The general statutes dealing with county government grant counties few explicit responsibilities in the social services area. 37 OP. ATT'Y GEN. at 447-48. However, the statutes dealing with treatment of alcoholism, and drug dependence, Title 53, Chapter 24, MCA, give the counties particular responsibilities. Section 53-24-202, MCA, requires local government units to cooperate with the State Department of Institutions in providing treatment for alcohol and drug-related problems. The Department is authorized to provide funds to counties for treatment programs, and to rural counties to form multi-county districts for such programs. Sections 53-24-204(2)(d),(h), MCA and 53-24-206(3)(b), MCA. Finally, section 53-24-211, MCA, requires the counties to submit a "comprehensive county-wide plan for the treatment, rehabilitation, and prevention of alcoholism," which must contain information regarding "existing non-profit and local government programs within the county." (Emphasis added). 37 OP. ATT'Y GEN. NO. 105 (1978) held that counties have implied power to contract with non-profit organizations to provide youth guidance and counseling and other child welfare services. This conclusion was based on the statutes requiring the counties to share responsibility with the Department of Social and Rehabilitation Services for provision of such programs. Title 53, Chapter 24, MCA, similarly requires the counties to share the responsibility for treatment of alcohol and drug-related problems. I therefore conclude that such treatment is a legitimate service which may be provided by counties with general government powers.

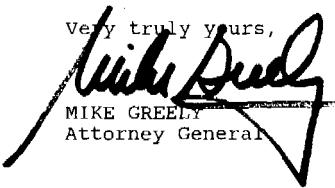
The remaining question is whether the proposal in question here - a contract with a non-profit corporation under which the County and City will furnish funds for a building in exchange for the provision of alcoholism treatment services - is a legitimate means of providing the services. As noted in 37 OP. ATT'Y GEN. NO. 105, this is rarely a difficult question. Since no method of performance is required by statute the county has the discretion to select any reasonable method. The Montana Supreme Court has held that a contract with a private concern is permissible when no county official is specifically required to perform the contracted services. Arnold v. Custer County, 83 Mont. 130, 146-47, 269 P.396 (1978). The contract in question here certainly is reasonable.

It is important for you to note the limited scope of this opinion. Your question is whether Yellowstone County is eligible, as a matter of law, for coal impact assistance under the proposal here in question. My conclusion that the County is eligible expresses no opinion whatsoever on the merits of the proposal. "Discretion to select from among applications lies with the board, which may, within the limitations prescribed by sections 50-1806, 50-1807 and 50-1809, R.C.M. 1947 [now codified at 90-6-205 through 90-6-209, MCA], determine priorities among competing grants." 37 Op. Att'y. Gen. at 100. The Board must determine in the final analysis whether the proposal merits favorable consideration.

THEREFORE IT IS MY OPINION:

1. Local government units with self-government powers and counties with general government powers are authorized to provide alcohol and drug abuse treatment services under Title 53, Chapter 24, MCA.
2. Local governments may contract with non-profit corporations for the provision of such services.
3. A program of alcohol and drug abuse treatment services provided by contract with a private non-profit corporation is a "governmental service or facility" under section 90-6-205(4), MCA, for the purpose of determining eligibility for coal impact assistance.

Very truly yours,



MIKE GREELY
Attorney General