

ENROLLED SENATE
BILL NO. 1158

By: Ford, Long (Ed) and
Rubottom of the Senate

and

Boyd (Laura) and Boyd
(Betty) of the House

An Act relating to schools; amending 70 O.S. 1991,
Sections 9-104 and 9-109, which relate to
transportation equipment; modifying definition;
adding definition; exempting auxiliary
transportation equipment from certain standards;
providing an effective date; and declaring an
emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 1991, Section 9-104, is
amended to read as follows:

Section 9-104. ~~For the purpose of the Oklahoma School Code~~
~~"transportation~~ A. As used in this title:

1. "Transportation equipment" is defined as means any vehicle or conveyance used for transportation of pupils when the cost of rent, lease, purchase, maintenance, or operation of said vehicle or conveyance is defrayed in whole or in part from public school funds, including auxiliary transportation equipment; and

2. "Auxiliary transportation equipment" includes but is not limited to equipment used for transporting students to and from extracurricular activities but does not include transportation equipment used for transporting students from their homes to school and from school to their homes.

B. All transportation equipment shall be of such construction as to provide safe, comfortable and economical transportation of passengers. All such equipment which is used to transport ten or more public school children at one time shall be constructed, maintained and operated in accordance with all requirements of laws of the State of Oklahoma and rules ~~and regulations~~ of the State Board of Education. Provided, however, that nothing in this act shall prevent the bidding by and purchase of new or used transportation equipment from out-of-state dealers so long as they comply with ~~Title 47, Chapter 62, O.S. 1971, Sections~~ Section 561 et seq. ~~of Title 47 of the Oklahoma Statutes~~ regulating and licensing manufacturers, distributors, dealers, salesmen, etc., and who holds a current motor vehicle dealers' license.

C. Notwithstanding any other provision of law, a district board of education may paint or purchase auxiliary transportation

equipment in a color or colors other than National School Bus Yellow.

D. Any person violating the provisions of this section shall be guilty of a misdemeanor.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 9-109, is amended to read as follows:

Section 9-109. The State Board of Education is hereby authorized to request a price list and a complete description and specifications of any transportation equipment to be offered for sale to any school board or board of education of any district in the State of Oklahoma.

The State Board of Education shall examine such equipment to determine whether or not such equipment meets the requirements of the National School Bus Standards and such other specifications as the State Board of Education may determine as necessary to provide safe transportation for pupils to and from school and shall approve for sale to all schools in the State of Oklahoma transportation equipment, including bus bodies and chassis, which equipment meets or exceeds the specifications provided for the National School Bus Standards and such other specifications as the State Board of Education may deem as necessary. Any equipment fueled by alternative fuels as defined in Section ~~3 of this act,~~ 130.13 of Title 74 of the Oklahoma Statutes shall also meet any safety requirements the Commissioner of Public Safety may specify for any equipment used to provide transportation for pupils to and from school. The State Board of Education may approve auxiliary transportation equipment that is not National School Bus Yellow in color.

The State Board of Education shall make a list of the equipment approved by them and the maximum price at which such equipment can be purchased. The list shall include a complete description of the equipment. Such description shall include the specification of the school bus bodies and chassis as well as the factory list price of such equipment at the various factories. Such list shall be made available to all school districts authorized to purchase transportation equipment. Provided, at any time there shall be any change of specifications or prices by manufacturers of chassis or bodies, there shall be filed with the State Board of Education a revised set of specifications and prices.

The school board or board of education of any school district authorized to furnish transportation for pupils to and from school and receiving any State Aid funds shall be required to purchase all their transportation equipment from the list so provided on sealed bids and at a price not greater than the price filed with the State Board of Education; and the State Board of Education shall be required to deduct from any State Aid for which the school district may qualify the amount paid by any school district for transportation equipment not approved by the State Board of Education or the amount paid greater than shown on the price list for that transportation equipment filed with the State Board of Education. Provided, however, all purchases made under the provisions of this act for transportation shall be made upon sealed bids, and contract of purchase shall be awarded to the lowest and best bidder.

~~It is hereby made the duty, and the~~ The State Board of Education is hereby required, to make such shall promulgate rules and regulations as are necessary for the administration of this section and to shall require from school district boards of education such information and reports as they believe necessary for proper administration of this section.

Any cost of administration of this section shall be paid by the State Board of Education from funds appropriated for the administration of the State Aid Law.

SECTION 3. This act shall become effective July 1, 1994.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 27th day of April, 1994.

President of the Senate

Passed the House of Representatives the 11th day of April, 1994.

Speaker of the House of
Representatives