

ENGROSSED HOUSE
BILL NO. 2083

By: Hager, Covey,
Deutschendorf, Staggs,
Tyler and Wells of the
House

and

Williams of the Senate

An Act relating to schools; amending 70 O.S. 1991, Section 9-104, as amended by Section 1, Chapter 138, O.S.L. 1994 (70 O.S. Supp. 1996, Section 9-104), which relates to transportation equipment; allowing schools to place advertisements on transportation equipment; stating limitations; providing for the establishment of an advertising review board; stating membership and duties of the review board; providing for use of advertising revenues; restricting content of advertising; listing certain prohibited content areas; providing for codification; 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, as amended by Section 1, Chapter 138, O.S.L. 1994 (70 O.S. Supp. 1996, Section 9-104), is amended to read as follows:

Section 9-104. A. As used in this title:

1. "Transportation equipment" 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 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 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. Notwithstanding any other provision of law, a district board of education may allow the placement of advertisements on the back half of the exterior side panels of school buses and on auxiliary transportation equipment used to transport school children. The advertisements shall not interfere with the ability of other drivers to identify the equipment as a school bus, shall be at least three

(3) inches from any required lettering or safety devices or doors, shall not extend from the body of the equipment and shall not interfere with the operation of any door, window, or other device. The advertising shall comply with the provisions established pursuant to Section 2 of this act.

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-104.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Each school board of education which elects to allow the placement of advertising on school buses or auxiliary transportation equipment as provided for in subsection D of Section 1 of this act shall establish an advertising review board. The advertising review board shall be composed of members as established by the board and shall:

1. Approve the content of all district-wide advertising programs consistent with any restrictions established by the board;
 2. Provide direction and oversight of the advertising process;
- and
3. Annually review the effectiveness of the advertising programs and make necessary recommendations.

B. Any revenue raised from the advertising shall be used for school district purposes as determined by the board of education.

C. The content of advertisements placed on school buses shall be subject to restrictions. In addition to any further restrictions which may be established by each board of education, the advertisements shall not:

1. Promote hostility, disorder or violence;
2. Attack or discriminate against any ethnic, racial or religious groups;

3. Discriminate, demean, harass, or ridicule any person or group of persons on the basis of sex;

4. Be libelous;

5. Inhibit the functioning of the school or school district;

6. Promote, favor, or oppose the candidacy of any candidate for election or the adoption of any bond or budget issue or any public question submitted at any election;

7. Be obscene or pornographic as defined by the local community standards;

8. Promote the use of drugs, alcohol, tobacco, firearms, or certain products that create community concerns;

9. Promote any religious or political organization;

10. Interfere with existing school district advertisements or marketing programs or any existing contracts; or

11. Use any district or school logo without prior approval.

SECTION 3. This act shall become effective July 1, 1997.

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 House of Representatives the 26th day of February, 1997.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1997.

President of the Senate