

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1861

By: Blackwell

COMMITTEE SUBSTITUTE

An Act relating to schools; amending 70 O.S. 2001, Sections 9-104, as amended by Section 1, Chapter 533, O.S.L. 2004 and 9-109, as amended by Section 32, Chapter 397, O.S.L. 2002 (70 O.S. Supp. 2004, Sections 9-104 and 9-109), which relate to school transportation equipment; modifying definitions; adding certain definitions; deleting certain requirement for auxiliary transportation equipment; requiring operators of certain vehicles to ensure passenger capacity and safety belt usage; clarifying statutory language; exempting auxiliary transportation equipment from certain requirements; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 9-104, as amended by Section 1, Chapter 533, O.S.L. 2004 (70 O.S. Supp. 2004, 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 that was manufactured in compliance with the federal motor vehicle safety standards for school buses in effect on the date of manufacture and that is used for transportation of pupils from their homes to school and from school to their homes when the cost of rent, lease, purchase, maintenance, or operation of said the vehicle or conveyance is defrayed in whole or in part from public school funds. The term does not include a chartered bus or a bus operated by a mass transit authority; and

2. "Auxiliary transportation equipment" ~~includes but is not limited to equipment~~ means a vehicle or conveyance designed to

accommodate more than fifteen passengers, including the operator, a motor bus, passenger car, or passenger van that is owned, operated, rented, or leased by a school district and is 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. The term does not include chartered buses, a bus operated by a mass transit authority, or transportation equipment;

3. "Passenger van" means a motor vehicle other than a motorcycle or passenger car, used to transport persons and designed to transport less than fifteen passengers, including the driver;

4. "Motor bus" means a motor vehicle used to transport persons and designed to transport more than fifteen passengers, including the driver; and

5. "Bus" means a motor vehicle used to transport persons and designed to accommodate more than ten passengers, including the operator.

B. 1. 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.

2. All auxiliary transportation equipment shall be of such construction as to provide safe, comfortable and economical transportation of passengers. ~~All auxiliary transportation equipment which is used to transport ten or more public school children at one time shall be constructed and maintained in accordance with all requirements of laws of this state.~~ In all circumstances in which a passenger car or passenger van is used to transport students, the operator of the vehicle shall ensure that

the number of passengers in the vehicle does not exceed the designed capacity of the vehicle and that each passenger is secured by a safety belt.

C. Nothing in this act shall prevent the bidding by and purchase of new or used transportation equipment or new or used auxiliary 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 hold a current motor vehicle dealers' license.

D. 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.

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

SECTION 2. AMENDATORY 70 O.S. 2001, Section 9-109, as amended by Section 32, Chapter 397, O.S.L. 2002 (70 O.S. Supp. 2004, Section 9-109), is amended to read as follows:

Section 9-109. A. 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.

B. The State Board of Education shall examine ~~such~~ transportation equipment to determine whether or not ~~such~~ the 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~~. The Board 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 in 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 130.13 of Title 74 of the Oklahoma Statutes shall also meet any federal safety standards specified for any transportation 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.

C. The State Board of Education shall make a list of the transportation equipment approved by ~~them~~ the Board and the maximum price at which ~~such~~ the equipment can be purchased. The list shall include a complete description of the equipment. ~~Such~~ The description shall include the specification of the school bus bodies and chassis as well as the factory list price of ~~such~~ the equipment at the various factories. ~~Such~~ The list shall be made available to all school districts authorized to purchase transportation equipment. ~~Provided, at any~~ 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.

D. 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, except as provided for in this section, 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.~~ The Board 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. Unless otherwise exempted by this section, 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.

~~Provided, however, any~~ E. Any purchase or sale of transportation equipment from one school district to another school district shall not be subject to the list and sealed bid requirements as provided for in this section.

F. The State Board of Education shall promulgate rules necessary for the administration of this section and shall require from school district boards of education such information and reports as necessary for proper administration of this section.

G. The provisions of this section shall not apply to the purchase of auxiliary transportation equipment by a school district.

H. 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. 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.