

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1861

By: Blackwell

AS INTRODUCED

An Act relating to schools; amending 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), which relates 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; 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. 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.

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