

HOUSE BILL NO. 355

INTRODUCED BY R. SHAW, J. WELBORN

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A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING CERTAIN VEHICLES IN THE DEFINITION OF "SCHOOL BUS"; CLARIFYING LICENSE REQUIREMENTS FOR DRIVERS OF CERTAIN VEHICLES; ADDING A SCHOOL TRANSPORTATION REIMBURSEMENT FOR CERTAIN VEHICLES; REQUIRING A COST-EFFECTIVENESS ANALYSIS BEFORE THE PURCHASE OF CERTAIN VEHICLES; AMENDING SECTIONS 20-10-101, 20-10-103, AND 20-10-141, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-10-101, MCA, is amended to read:

"20-10-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Bus route" means a route approved by the board of trustees of a school district and by the county transportation committee.

(2) "Eligible transportee" means a public school pupil who:

(a) is 5 years of age or older and has not reached the age of 21 on or before September 10 of the current school year or who is a preschool child with a disability between the ages of 3 and 6;

(b) is a resident of the state of Montana;

(c) regardless of district and county boundaries:

(i) resides at least 3 miles, over the shortest practical route, from the nearest operating public elementary school or public high school, whichever the case may be; or

(ii) has transportation identified as a related service in an individualized education program as developed and implemented in accordance with the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.; and

(d) is considered to reside with a parent or guardian who maintains legal residence within the boundaries of the district furnishing the transportation regardless of where the eligible transportee actually lives when attending school.

(3) "Passenger seating position" means, as defined in 49 CFR 571.222, the space on a school bus allocated for one passenger.



1 (4) (a) "School bus" means, except as provided in subsection (4)(b), any motor vehicle that:
 2 (i) complies with the bus standards established by the board of public education as verified by the
 3 department of justice's semiannual inspection of school buses and the superintendent of public instruction; and;
 4 (ii) ~~(i)~~ is owned by a district or other public agency and operated for the transportation of pupils to or from
 5 school or owned by a carrier under contract with a district or public agency to provide transportation of pupils to
 6 or from school; or

7 ~~(ii) is district-owned or privately owned, is designed to carry 10 or fewer passengers, has an overall safety~~
 8 ~~rating of five stars from the national highway traffic safety administration at the time of purchase, and is insured~~
 9 ~~in accordance with minimum coverage requirements set forth in 20-10-109.~~

10 (b) A school bus does not include a vehicle that is:

11 (i) privately owned and not operated for compensation under this title;

12 (ii) privately owned and operated for reimbursement under 20-10-142;

13 (iii) either district-owned or privately owned, designed to carry not more than nine passengers, and used
 14 to transport pupils to or from activity events or to transport pupils to their homes in case of illness or other
 15 emergency situations and that was purchased prior to [the effective date of this act]; or

16 (iv) an over-the-road passenger coach used only to transport pupils to activity events.

17 (5) "Transportation" means:

18 (a) a district's conveyance of a pupil by a school bus between the pupil's legal residence or an officially
 19 designated bus stop and the school designated by the trustees for the pupil's attendance; or

20 (b) "individual transportation" by which a district is relieved of actually conveying a pupil. Individual
 21 transportation may include paying the parent or guardian for conveying the pupil, reimbursing the parent or
 22 guardian for the pupil's board and room, or providing supervised correspondence study or supervised home
 23 study.

24 (6) "Transportation service area" means the geographic area of responsibility for school bus
 25 transportation for each district that operates a school bus transportation program."

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27 **SECTION 2. SECTION 20-10-103, MCA, IS AMENDED TO READ:**

28 **"20-10-103. School bus driver qualifications.** A driver of a school bus is qualified to drive a school bus
 29 if the driver:

30 (1) is not less than 18 years of age;

1 (2) is of good moral character;

2 (3) (a) is the holder of a commercial driver's license to operate a school bus designed to carry more than
3 10 passengers; or

4 (b) is the holder of a Montana driver's license to operate a school bus designed to carry 10 or fewer
5 passengers;

6 (4) has filed with the district a satisfactory medical examination report, on a form approved by the United
7 States department of transportation, signed by any physician licensed in the United States or, if acceptable to an
8 insurance carrier, any licensed physician;

9 (5) has completed a basic first aid course and holds a valid basic first aid certificate from an authorized
10 instructor. The issuance of the certificate is governed by rules established by the superintendent of public
11 instruction, provided that the rules may suspend this requirement for a reasonable period of time if there has been
12 an inadequate opportunity for securing the basic first aid course and certificate.

13 (6) has complied with any other qualifications established by the board of public education; and

14 (7) has filed with the county superintendent a certificate from the trustees of the district for which the
15 school bus is to be driven, certifying compliance with the driver qualifications enumerated in this section."
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17 **Section 3.** Section 20-10-141, MCA, is amended to read:

18 **"20-10-141. Schedule of maximum reimbursement by mileage rates.** (1) The mileage rates in
19 subsection (2) for school transportation constitute the maximum reimbursement to districts for school
20 transportation from state and county sources of transportation revenue under the provisions of 20-10-145 and
21 20-10-146. These rates may not limit the amount that a district may budget in its transportation fund budget in
22 order to provide for the estimated and necessary cost of school transportation during the ensuing school fiscal
23 year. All bus miles traveled on bus routes approved by the county transportation committee are reimbursable.
24 Nonbus mileage is reimbursable for a vehicle driven by a bus driver to and from an overnight location of a school
25 bus when the location is more than 10 miles from the school. A district may approve additional bus or nonbus
26 miles within its own district or approved service area but may not claim reimbursement for the mileage. Any
27 vehicle, the operation of which is reimbursed for bus mileage under the rate provisions of this schedule, must be
28 a school bus, as defined by this title, driven by a qualified driver on a bus route approved by the county
29 transportation committee and the superintendent of public instruction.

30 (2) (a) The rate for each bus mile traveled must be determined in accordance with the following

1 schedule:

2 ~~(i) 50 cents A RATE EQUAL TO THE MILEAGE ALLOTMENT ALLOWED BY THE UNITED STATES INTERNAL REVENUE~~
 3 ~~SERVICE FOR THE CURRENT YEAR 50 CENTS for a school bus as defined in 20-10-101(4)(a)(ii);~~

4 ~~(i)(ii) 95 cents for a school bus with a rated capacity of not more than 49 passenger seating positions;~~

5 ~~(ii)(iii) \$1.15 for a school bus with a rated capacity of 50 to 59 passenger seating positions;~~

6 ~~(iii)(iv) \$1.36 for a school bus with a rated capacity of 60 to 69 passenger seating positions;~~

7 ~~(iv)(v) \$1.57 for a school bus with a rated capacity of 70 to 79 passenger seating positions; and~~

8 ~~(v)(vi) \$1.80 for a school bus with 80 or more passenger seating positions.~~

9 (b) Nonbus mileage, as provided in subsection (1), must be reimbursed at a rate of 50 cents a mile.

10 (3) The rated capacity is the number of passenger seating positions of a school bus as determined under
 11 the policy adopted by the board of public education. If modification of a school bus to accommodate pupils with
 12 disabilities reduces the rated capacity of the bus, the reimbursement to a district for pupil transportation is based
 13 on the rated capacity of the bus prior to modification.

14 (4) The number of pupils riding the school bus may not exceed the passenger seating positions of the
 15 bus."

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17 **NEW SECTION. SECTION 4. COST-EFFECTIVENESS ANALYSIS REQUIRED BEFORE PURCHASE OF SMALL**
 18 **SCHOOL BUS. THE TRUSTEES OF A DISTRICT MAY NOT PURCHASE AND OPERATE A SCHOOL BUS AS DEFINED IN**
 19 **20-10-101(4)(A)(II) UNTIL THE TRUSTEES HAVE:**

20 **(1) CONDUCTED AN ANALYSIS OF THE COSTS ASSOCIATED WITH PURCHASE AND OPERATION OF THE SCHOOL BUS**
 21 **COMPARED TO THE COSTS ASSOCIATED WITH PURCHASE OR CONTRACT AND OPERATION OF A SCHOOL BUS DESIGNED TO**
 22 **CARRY MORE THAN 10 PASSENGERS; AND**

23 **(2) ADOPTED A WRITTEN FINDING THAT THE PURCHASE AND OPERATION OF A SCHOOL BUS AS DEFINED IN**
 24 **20-10-101(4)(A)(II) IS THE MOST COST-EFFECTIVE MEANS OF TRANSPORTING ELIGIBLE TRANSPORTEES ON THE BUS**
 25 **ROUTE OR ROUTES TO WHICH THE SCHOOL BUS WILL BE ASSIGNED.**

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27 **NEW SECTION. SECTION 5. CODIFICATION INSTRUCTION. [SECTION 4] IS INTENDED TO BE CODIFIED AS AN**
 28 **INTEGRAL PART OF TITLE 20, CHAPTER 10, PART 1, AND THE PROVISIONS OF TITLE 20, CHAPTER 10, PART 1, APPLY TO**
 29 **[SECTION 4].**

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