

SENATE BILL NO. 350

INTRODUCED BY J. COHENOUR

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A BILL FOR AN ACT ENTITLED: "AN ACT ENCOURAGING SCHOOL DISTRICTS TO PURCHASE AND OPERATE SCHOOL BUSES WITH LAP-SHOULDER BELTS; LIMITING LIABILITY UNDER CERTAIN CIRCUMSTANCES; CLARIFYING BID LETTING REQUIREMENTS IN RELATION TO LAP-SHOULDER BELTS AND SCHOOL TRANSPORTATION CONTRACTS; DECREASING CERTAIN REGISTRATION FEES FOR SCHOOL BUSES EQUIPPED WITH LAP-SHOULDER BELTS; AMENDING SECTIONS 20-10-125 AND 61-3-529, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Limit on liability for lap-shoulder belts on school buses. (1) (a) When

a school district meets all of the requirements under subsection (2), the state, the county or counties in which the school district is located, the school district, a school bus driver under contract with a school district, or an agent or employee of the school district is not liable in an action for personal injury by a school bus passenger on a bus equipped with lap-shoulder belts:

- (i) because the injured party failed to use or improperly used a lap-shoulder belt; or
- (ii) when the injury was caused solely by another passenger's use or nonuse of a lap-shoulder belt in a dangerous or unsafe manner.

(b) A person may recover damages for a personal injury caused by a broken or improperly maintained lap-shoulder belt.

(2) To be eligible for the limit on liability under subsection (1), a school district shall:

- (a) adopt an enforceable, publicly available lap-shoulder belt usage policy,
 - (b) require all passengers on a school bus equipped with lap-shoulder belts to use the lap-shoulder belts;
- and
- (c) ensure that all lap-shoulder belts are properly maintained and in good working order.

Section 2. Section 20-10-125, MCA, is amended to read:

"20-10-125. Bid letting for contract bus -- payments under transportation contract. (1) Before any

1 contract with a private party for the provision of school bus transportation is awarded, the trustees shall:

2 (a) secure bids by publishing during a period of 21 days at least three calls for bids in a newspaper of
3 the county that will give notice to the largest number of people of the district or in the official newspaper of the
4 county; the trustees shall let the contract to the lowest responsible bidder, and the trustees shall have the right
5 to reject any and all bids; or

6 (b) negotiate a new contract with the current school bus contractor, provided the negotiated contract
7 costs do not exceed by more than 12% per year the basic costs of the previous year's contract. Such a negotiated
8 contract can be entered into only at a public meeting of the trustees at which meeting the patrons of the district
9 may appear and be heard. Notice of the meeting must have been published in a newspaper of wide circulation
10 within the district at least 1 week prior to the meeting. Differential costs related to outfitting buses with
11 lap-shoulder belts are not considered part of the basic costs of the previous year's contract and are not subject
12 to the 12% limit.

13 (2) The provisions of this section for awarding a contract for school bus transportation shall be subject
14 to the provisions of 20-9-204.

15 (3) The trustees shall not expend any moneys of the district for school bus transportation by a private
16 party or for individual transportation unless:

17 (a) a contract for such transportation services has been completed; and

18 (b) such contracted services for school bus transportation by a private party have been actually furnished
19 except that the failure to perform may be excused by the trustees for reasons not under the control of the
20 contractor; or

21 (c) such contracted services for individual transportation have been actually furnished as confirmed by
22 the actual attendance of school by the eligible transportees and recorded on the school attendance records or,
23 in the case of a supervised correspondence course or supervised home study, as confirmed by the trustees;
24 except that the contracted services furnished one way on any school day shall be reimbursed at one-half the daily
25 contract amount."
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27 **Section 3.** Section 61-3-529, MCA, is amended to read:

28 **"61-3-529. Schedule of fees for buses, motor vehicles having rated capacity of more than 1 ton,**
29 **and truck tractors -- proration -- exemption.** (1) (a) There is an annual fee in lieu of property tax imposed on
30 buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors. The fee is in addition

1 to annual registration fees.

2 (b) The fee imposed by subsection (1)(a) is not required to be paid by a dealer of buses, trucks, or truck
 3 tractors that constitute inventory of the dealership.

4 (2) Subject to the conditions of subsection (4), the owner of a bus, truck with a manufacturer's rated
 5 capacity of more than 1 ton, or truck tractor shall pay a fee in lieu of tax based on the age and manufacturer's
 6 rated capacity of the motor vehicle according to the following schedule:

7	Age of Motor Vehicle	Rated Capacity (in pounds)			
8	(in years)	16,999 or less	17,000-26,999	27,000-54,999	55,000 or more
9	1 or less	\$117	\$167	\$284	\$375
10	2	109	150	250	300
11	3	100	134	220	266
12	4	92	117	184	242
13	5	83	109	160	195
14	6	75	100	134	167
15	7	66	91	117	147
16	8	58	83	100	125
17	9	50	75	92	109
18	10	41	58	79	92
19	11-12	33	50	67	76
20	13-14	28	37	52	61
21	15-16	25	30	38	47
22	17-18	18	26	29	36
23	19-20	13	19	22	26
24	21 or more	10	12	16	20

25 (3) The age of the motor vehicle must be determined under 61-3-501.

26 (4) (a) The manufacturer's rated capacity for a bus or truck with a manufacturer's rated capacity of more
 27 than 1 ton is the manufacturer's rated gross vehicle weight.

28 (b) The manufacturer's rated capacity for a truck tractor is the manufacturer's rated gross combined
 29 weight.

1 (c) The fee in lieu of tax under subsection (2) must be reduced by 10% for a school bus equipped with
2 lap-shoulder belts.

3 (5) Except as provided in 61-3-520, the fee in lieu of tax on a motor vehicle subject to this section that
4 is brought or driven into this state by a nonresident person for hire, compensation, or profit must be prorated as
5 determined and paid under 61-3-701.

6 (6) The fee in lieu of tax may not be refunded."
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8 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an
9 integral part of Title 20, chapter 10, part 1, and the provisions of Title 20, chapter 10, part 1, apply to [section 1].
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11 NEW SECTION. Section 5. Two-thirds vote required. Because [section 1] limits governmental liability,
12 Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of
13 the legislature for passage.
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15 NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2019.
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17 NEW SECTION. Section 7. Applicability. [This act] applies to school years beginning on or after July
18 1, 2019.
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