

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 2119

(SENATE AUTHORS: WEBER)

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OFFICIAL STATUS
Introduction and first reading
Referred to Transportation Finance and Policy

1.1 A bill for an act
 1.2 relating to public safety; modifying various standards governing school buses;
 1.3 amending Minnesota Statutes 2016, sections 169.011, subdivision 34; 169.449,
 1.4 subdivision 1; 171.02, subdivision 2b.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2016, section 169.011, subdivision 34, is amended to read:

1.7 Subd. 34. **Head Start bus.** (a) "Head Start bus" means a motor vehicle used to transport
 1.8 children and parents to or from a Head Start facility, or to or from Head Start-related
 1.9 activities, by the Head Start grantee, or by someone under an agreement with the Head Start
 1.10 grantee. A Head Start bus does not include a motor vehicle transporting children or parents
 1.11 to or from a Head Start facility for which parents or guardians receive direct compensation
 1.12 from a Head Start grantee, a motor coach operating under charter carrier authority, or a
 1.13 transit bus providing services as defined in section 174.22, subdivision 7. A Head Start bus
 1.14 may be a type A, B, C, or D bus ~~or type III vehicle, as described in subdivision 71.~~

1.15 (b) A Head Start bus manufactured after December 31, 1994, must meet the same
 1.16 standards as a type A, B, C, or D school bus, except that a Head Start bus is not required to
 1.17 be equipped with the warning signals required for a school bus under section 169.442,
 1.18 subdivision 1. A Head Start bus that is not equipped as a school bus must be painted colors
 1.19 other than national school bus yellow.

1.20 Sec. 2. Minnesota Statutes 2016, section 169.449, subdivision 1, is amended to read:

1.21 Subdivision 1. **Rules.** The commissioner of public safety shall adopt rules governing
 1.22 the operation of school buses used for transportation of school children, when owned or

operated by a school or privately owned and operated under a contract with a school, ~~and these rules must be made a part of that contract by reference.~~ Each school, its officers and employees, and each person employed under the contract is subject to these rules.

Sec. 3. Minnesota Statutes 2016, section 171.02, subdivision 2b, is amended to read:

Subd. 2b. **Exception for type III vehicle drivers.** (a) Notwithstanding subdivision 2, the holder of a class A, B, C, or D driver's license, without a school bus endorsement, may operate a type III vehicle described in section 169.011, subdivision 71, paragraph (h), under the conditions in paragraphs (b) through (o).

(b) The operator is an employee of the entity that owns, leases, or contracts for the school bus.

(c) The operator's employer has adopted and implemented a policy that provides for annual training and certification of the operator in:

(1) safe operation of a type III vehicle;

(2) understanding student behavior, including issues relating to students with disabilities;

(3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;

(4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;

(5) handling emergency situations;

(6) proper use of seat belts and child safety restraints;

(7) performance of pretrip vehicle inspections;

(8) safe loading and unloading of students, including, but not limited to:

(i) utilizing a safe location for loading and unloading students at the curb, on the nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other areas to enable the student to avoid hazardous conditions;

(ii) refraining from loading and unloading students in a vehicular traffic lane, on the shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;

(iii) avoiding a loading or unloading location that would require a pupil to cross a road, or ensuring that the driver or an aide personally escort the pupil across the road if it is not reasonably feasible to avoid such a location;

(iv) placing the type III vehicle in "park" during loading and unloading; and

(v) escorting a pupil across the road under item (iii) only after the motor is stopped, the ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile; and

(9) compliance with paragraph (k), concerning reporting certain convictions to the employer within ten days of the date of conviction.

(d) A background check or background investigation of the operator has been conducted that meets the requirements under section 122A.18, subdivision 8, or 123B.03 for school district employees; section 144.057 or chapter 245C for day care employees; or section 171.321, subdivision 3, for all other persons operating a type III vehicle under this subdivision.

(e) Operators shall submit to a physical examination as required by section 171.321, subdivision 2.

(f) The operator's employer requires preemployment drug testing of applicants for operator positions. Current operators must comply with the employer's policy under section 181.951, subdivisions 2, 4, and 5. Notwithstanding any law to the contrary, the operator's employer may use a Breathalyzer or similar device to fulfill random alcohol testing requirements.

(g) The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the type III vehicle as required under section 171.321, subdivision 5.

(h) A person who sustains a conviction, as defined under section 609.02, of violating section 169A.25, 169A.26, 169A.27, or 169A.31, or whose driver's license is revoked under sections 169A.50 to 169A.53 of the implied consent law, or who is convicted of violating or whose driver's license is revoked under a similar statute or ordinance of another state, is precluded from operating a type III vehicle for five years from the date of conviction.

(i) A person who has ever been convicted of a disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), may not operate a type III vehicle under this subdivision.

(j) A person who sustains a conviction, as defined under section 609.02, of a moving offense in violation of chapter 169 within three years of the first of three other moving offenses is precluded from operating a type III vehicle for one year from the date of the last conviction.

4.1 (k) An operator who sustains a conviction as described in paragraph (h), (i), or (j) while
4.2 employed by the entity that owns, leases, or contracts for the school bus, shall report the
4.3 conviction to the employer within ten days of the date of the conviction.

4.4 (l) An operator of a type III vehicle whose driver's license is suspended, revoked,
4.5 canceled, or disqualified by Minnesota, another state, or another jurisdiction must notify
4.6 the operator's employer in writing of the suspension, revocation, cancellation, lost privilege,
4.7 or disqualification. The operator must notify the operator's employer before the end of the
4.8 business day immediately following the day the operator received notice of the suspension,
4.9 revocation, cancellation, lost privilege, or disqualification.

4.10 (m) Students riding the type III vehicle must have training required under section
4.11 123B.90, subdivision 2.

4.12 ~~(m)~~ (n) Documentation of meeting the requirements listed in this subdivision must be
4.13 maintained under separate file at the business location for each type III vehicle operator.
4.14 The business manager, school board, governing body of a nonpublic school, or any other
4.15 entity that owns, leases, or contracts for the type III vehicle operating under this subdivision
4.16 is responsible for maintaining these files for inspection.

4.17 ~~(n)~~ (o) The type III vehicle must bear a current certificate of inspection issued under
4.18 section 169.451.

4.19 ~~(o)~~ (p) An employee of a school or of a school district, who is not employed for the sole
4.20 purpose of operating a type III vehicle, is exempt from paragraphs (e) and (f).