

A bill for an act

relating to pupil transportation; establishing qualifications for type III school bus drivers; providing criminal penalties; authorizing rulemaking; amending Minnesota Statutes 2006, sections 169.01, subdivision 75; 169.448, subdivision 1; 169A.03, subdivision 23; 171.02, by adding subdivisions; Minnesota Statutes 2007 Supplement, sections 169.443, subdivision 9; 171.02, subdivision 2; repealing Minnesota Statutes 2007 Supplement, section 171.02, subdivision 2a.

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

Section 1. Minnesota Statutes 2006, section 169.01, subdivision 75, is amended to read:

Subd. 75. **Commercial motor vehicle.** (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

(1) has a gross vehicle weight of more than 26,000 pounds;

(2) has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;

(3) is a bus;

(4) is of any size and is used in the transportation of hazardous materials that are required to be placarded under Code of Federal Regulations, title 49, parts 100-185; or

(5) is outwardly equipped and identified as a school bus, except for ~~type A-I and~~ type III school buses as defined in subdivision 6.

(b) For purposes of chapter 169A:

(1) a commercial motor vehicle does not include a farm truck, an authorized emergency vehicle, or a recreational vehicle being operated by a person within the scope of section 171.02, subdivision 2, paragraph (b); and

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(2) a commercial motor vehicle includes a vehicle capable of or designed to meet the standards described in paragraph (a), clause (2), whether or not the towed unit is attached to the truck-tractor at the time of the violation or stop.

Sec. 2. Minnesota Statutes 2007 Supplement, section 169.443, subdivision 9, is amended to read:

Subd. 9. **Personal cellular phone call prohibition.** (a) As used in this subdivision, "school bus" has the meaning given in section 169.01, subdivision 6. In addition, the term includes type III school buses as described in section 169.01, subdivision 6, clause (5), when driven by employees or agents of school districts for transportation.

(b) A school bus driver may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether hand-held or hands free, when the vehicle is in motion.

**EFFECTIVE DATE.** This section is effective August 1, 2008, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2006, section 169.448, subdivision 1, is amended to read:

Subdivision 1. **Restrictions on appearance; misdemeanor.** (a) A bus that is not used as a school bus may not be operated on a street or highway unless it is painted a color significantly different than national school bus glossy yellow.

(b) A bus that is not used as a school bus or Head Start bus may not be operated if it is equipped with school bus or Head Start bus-related equipment and printing.

(c) A violation of this subdivision is a misdemeanor.

(d) This subdivision does not apply to a school bus owned by or under contract to a school district operated as a charter or leased bus.

(e) This subdivision does not apply to a school bus operated by a licensed child care provider if:

(1) the stop arm is removed;

(2) the eight-light system is deactivated;

(3) the school bus is identified as a "child care bus" in letters at least eight inches high on the front and rear top of the bus; and

(4) the name, address, and telephone number of the owner or operator of the bus is identified on each front door of the bus in letters not less than three inches high; and

~~(5) the conditions under section 171.02, subdivision 2a, paragraph (b), clauses (1) through (10), (12), and (14), have been met.~~

Sec. 4. Minnesota Statutes 2006, section 169A.03, subdivision 23, is amended to read:

Subd. 23. **School bus.** "School bus" has the meaning given in section 169.01, subdivision 6. In addition, the term includes type III school buses as described in section 169.01, subdivision 6, clause (5), when driven by employees or agents of school districts for transportation.

**EFFECTIVE DATE.** This section is effective August 1, 2008, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2007 Supplement, section 171.02, subdivision 2, is amended to read:

Subd. 2. **Driver's license classifications, endorsements, exemptions.** (a) Drivers' licenses are classified according to the types of vehicles that may be driven by the holder of each type or class of license. The commissioner may, as appropriate, subdivide the classes listed in this subdivision and issue licenses classified accordingly.

(b) Except as provided in paragraph (c), clauses (1) and (2), ~~and subdivision 2a,~~ no class of license is valid to operate a motorcycle, school bus, tank vehicle, double-trailer or triple-trailer combination, vehicle transporting hazardous materials, or bus, unless so endorsed. There are four general classes of licenses as described in paragraphs (c) through (f).

(c) Class D drivers' licenses are valid for:

(1) operating all farm trucks if the farm truck is:

(i) controlled and operated by a farmer, including operation by an immediate family member or an employee of the farmer;

(ii) used to transport agricultural products, farm machinery, or farm supplies, including hazardous materials, to or from a farm;

(iii) not used in the operations of a common or contract motor carrier as governed by Code of Federal Regulations, title 49, part 365; and

(iv) used within 150 miles of the farm;

(2) notwithstanding paragraph (b), operating an authorized emergency vehicle, as defined in section 169.01, subdivision 5, whether or not in excess of 26,000 pounds gross vehicle weight;

(3) operating a recreational vehicle as defined in section 168.011, subdivision 25, that is operated for personal use;

(4) operating all single-unit vehicles except vehicles with a gross vehicle weight of more than 26,000 pounds, vehicles designed to carry more than 15 passengers including the driver, and vehicles that carry hazardous materials;

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~~(5) notwithstanding paragraph (d), operating a type A school bus or a multifunctional school activity bus without a school bus endorsement if:~~

~~(i) the bus has a gross vehicle weight of 10,000 pounds or less;~~  
~~(ii) the bus is designed to transport 15 or fewer passengers, including the driver; and~~  
~~(iii) the requirements of subdivision 2a are satisfied, as determined by the commissioner;~~

~~(6) operating any vehicle or combination of vehicles when operated by a licensed peace officer while on duty; and~~

~~(7) (6) towing vehicles if:~~

~~(i) the towed vehicles have a gross vehicle weight of 10,000 pounds or less; or~~  
~~(ii) the towed vehicles have a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a gross vehicle weight of 26,000 pounds or less.~~

(d) Class C drivers' licenses are valid for:

(1) operating class D motor vehicles;

(2) with a hazardous materials endorsement, transporting hazardous materials in class D vehicles; and

(3) with a school bus endorsement, operating school buses designed to transport 15 or fewer passengers, including the driver.

(e) Class B drivers' licenses are valid for:

(1) operating all class C motor vehicles, class D motor vehicles, and all other single-unit motor vehicles including, with a passenger endorsement, buses; and

(2) towing only vehicles with a gross vehicle weight of 10,000 pounds or less.

(f) Class A drivers' licenses are valid for operating any vehicle or combination of vehicles.

Sec. 6. Minnesota Statutes 2006, section 171.02, is amended by adding a subdivision to read:

Subd. 2b. **Exception for type III school bus drivers.** (a) Notwithstanding subdivision 2, paragraph (c), the holder of a class D driver's license, without a school bus endorsement, may operate a type III school bus described in section 169.01, subdivision 6, clause (5), under the conditions in paragraphs (b) through (n).

(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 school bus;

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

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

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

5.7           (5) handling emergency situations;

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

5.9           (7) performance of pretrip vehicle inspections; and

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

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

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

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

5.19          (iv) placing the type III school bus in "park" during loading and unloading.

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

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

5.27          (f) The operator's employer has adopted and implemented a policy that provides  
5.28          for mandatory drug and alcohol testing of applicants for operator positions and current  
5.29          operators, in accordance with section 181.951, subdivisions 2, 4, and 5.

5.30          (g) The operator's driver's license is verified annually by the entity that owns, leases,  
5.31          or contracts for the school bus.

5.32          (h) A person who sustains a conviction, as defined under section 609.02, of violating  
5.33          section 169A.25, 169A.26, 169A.27, or 169A.31, or whose driver's license is revoked  
5.34          under sections 169A.50 to 169A.53 of the implied consent law, or who is convicted of or  
5.35          has their driver's license revoked under a similar statute or ordinance of another state, is  
5.36          precluded from operating a type III school bus 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 school bus 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 school bus for one year from the date of the last conviction.

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

(l) Students riding the type III school bus must have training required under section 123B.90, subdivision 2.

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

(n) The type III school bus must bear a current certificate of inspection issued under section 169.451.

(o) An operator employed by a school or school district, whose normal duties do not include operating a type III school bus, who holds a class D driver's license without a school bus endorsement, may operate a type III school bus and is exempt from paragraphs (d), (e), (f), (g), and (k).

**EFFECTIVE DATE.** This section is effective September 1, 2008.

Sec. 7. Minnesota Statutes 2006, section 171.02, is amended by adding a subdivision to read:

Subd. 2c. **Rulemaking.** The commissioner may adopt rules regarding the qualifications and requirements for drivers of type III school buses.

**EFFECTIVE DATE.** This section is effective August 1, 2008.

Sec. 8. **REPEALER.**

Minnesota Statutes 2007 Supplement, section 171.02, subdivision 2a, is repealed.

**171.02 LICENSES; TYPES, ENDORSEMENTS, RESTRICTIONS.**

Subd. 2a. **Exception for certain school bus drivers.** Notwithstanding subdivision 2, paragraph (c), the holder of a class D driver's license, without a school bus endorsement, may operate a type A school bus described in subdivision 2, paragraph (b), under the following conditions:

(a) The operator is an employee of the entity that owns, leases, or contracts for the school bus and is not solely hired to provide transportation services under this subdivision.

(b) The operator drives the school bus only from points of origin to points of destination, not including home-to-school trips to pick up or drop off students.

(c) The operator is prohibited from using the eight-light system. Violation of this paragraph is a misdemeanor.

(d) 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 the type of school bus the operator will be driving;

(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; and

(6) safe loading and unloading of students.

(e) 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 teachers; section 144.057 or chapter 245C for day care employees; or section 171.321, subdivision 3, for all other persons operating a type A school bus under this subdivision.

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

(g) The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the school bus.

(h) A person who sustains a conviction, as defined under section 609.02, of violating section 169A.25, 169A.26, 169A.27, 169A.31, 169A.51, or 169A.52, or a similar statute or ordinance of another state is precluded from operating a school bus 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 school bus under this subdivision.

(j) A person who sustains a conviction, as defined under section 609.02, of a fourth moving offense in violation of chapter 169 is precluded from operating a school bus for one year from the date of the last conviction.

(k) Students riding the school bus must have training required under section 123B.90, subdivision 2.

(l) An operator must be trained in the proper use of child safety restraints as set forth in the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation of Pre-school Age Children in School Buses," if child safety restraints are used by the passengers.

(m) Annual certification of the requirements listed in this subdivision must be maintained under separate file at the business location for each operator licensed under this subdivision and subdivision 2, paragraph (b), clause (5). The business manager, school board, governing body of a nonpublic school, or any other entity that owns, leases, or contracts for the school bus operating under this subdivision is responsible for maintaining these files for inspection.

(n) The school bus must bear a current certificate of inspection issued under section 169.451.

(o) The word "School" on the front and rear of the bus must be covered by a sign that reads "Activities" when the bus is being operated under authority of this subdivision.