

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION

S.F. No. 2252

(SENATE AUTHORS: KENT and Rest)

DATE	D-PG	OFFICIAL STATUS
03/03/2014	5938	Introduction and first reading Referred to Transportation and Public Safety
03/10/2014	6042a	Comm report: To pass as amended and re-refer to Judiciary
03/26/2014	6812a	Comm report: To pass as amended
	6864	Second reading

1.1

A bill for an act

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relating to public safety; pupil transportation; requiring seat belt cutters in type III

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vehicles; requiring school bus drivers to conduct post-trip inspections; modifying

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reporting and cancellation requirements for bus endorsements; providing for

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criminal penalties; amending Minnesota Statutes 2012, sections 169.443,

1.6

subdivision 7, by adding a subdivision; 169.451, subdivision 4, by adding a

1.7

subdivision; 169.454, by adding a subdivision; 169.4582, by adding a subdivision;

1.8

171.02, subdivision 2b; 171.3215, subdivisions 1, 2; 631.40, subdivision 1a.

1.9

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

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Section 1. Minnesota Statutes 2012, section 169.443, subdivision 7, is amended to read:

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Subd. 7. **Misdemeanor.** Except as provided in subdivision 10, a person who

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violates this section is guilty of a misdemeanor.

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Sec. 2. Minnesota Statutes 2012, section 169.443, is amended by adding a subdivision

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to read:

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Subd. 10. **Post-trip inspection.** (a) As used in this subdivision, "immediate vicinity"

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means within 50 feet of the school bus and within a direct, unobstructed line of sight.

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(b) Within ten minutes following completion of each trip and before leaving the

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immediate vicinity, each driver shall complete an interior post-trip inspection of the bus

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to ensure no student or students are left unattended. A violation of this section is a petty

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misdemeanor.

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(c) If the court determines that a violation of paragraph (b) resulted in a child being

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left unattended in a school bus, the court shall ensure that section 631.40, subdivision

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1a, is complied with.

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Sec. 3. Minnesota Statutes 2012, section 169.451, subdivision 4, is amended to read:

Subd. 4. **Violation; penalty.** The State Patrol shall enforce ~~subdivision~~ subdivisions 2 and 6. A violation of subdivision 2 is a misdemeanor, and a violation of subdivision 6 is a gross misdemeanor.

Sec. 4. Minnesota Statutes 2012, section 169.451, is amended by adding a subdivision to read:

Subd. 6. **Operation of out of service school buses prohibited.** No carrier, district, or operator shall require or allow any person to operate, for the purposes of passenger transportation, a school bus that has been clearly marked "out of service" until all of the violations causing the "out of service" status have been satisfactorily remedied.

Sec. 5. Minnesota Statutes 2012, section 169.454, is amended by adding a subdivision to read:

Subd. 10a. **Webbing cutter.** Each vehicle shall be equipped with a durable webbing cutter having a full width handgrip and a protected, replaceable, or noncorrodible blade. The webbing cutter shall be mounted in a location accessible to the seated driver, and must be easily detachable for use.

Sec. 6. Minnesota Statutes 2012, section 169.4582, is amended by adding a subdivision to read:

Subd. 3. **Failure to conduct post-trip inspection; reporting.** Any carrier or district must report any known violation of section 169.443, subdivision 10, paragraph (b), to the director of pupil transportation within 72 hours. Section 169.89, subdivision 1, does not apply to a violation of this subdivision.

Sec. 7. Minnesota Statutes 2012, 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 ~~(p)~~ (p).

(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.

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

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

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

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

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

4.18 (l) An operator of a type III vehicle or Head Start vehicle whose license is  
4.19 suspended, revoked, or canceled by this state or another state or jurisdiction must notify  
4.20 the operator's employer of the suspension, revocation, cancellation, lost privilege, or other  
4.21 disqualification. The operator must notify the employer before the end of the business day  
4.22 following the day the operator received notice of the suspension, revocation, cancellation,  
4.23 lost privilege, or disqualification.

4.24 ~~(h)~~ (m) Students riding the type III vehicle must have training required under section  
4.25 123B.90, subdivision 2.

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

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

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

4.35 Sec. 8. Minnesota Statutes 2012, section 171.3215, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given them.

(b) "School bus driver" means a person possessing a school bus driver's endorsement on a valid Minnesota driver's license or a person possessing a valid Minnesota driver's license who drives a vehicle with a seating capacity of ten or less persons used as a school bus.

(c) "Disqualifying offense" includes (1) any felony offense, (2) any misdemeanor, gross misdemeanor, or felony violation of chapter 152, (3) any violation under section 609.3451, 609.746, subdivision 1, 617.23, 617.246, 617.247, or 617.293, or (4) while driving, operating, or being in physical control of a school bus or a Head Start bus, a violation of section 169A.20 or a similar statute or ordinance from another state, or violation of section 169.443, subdivision 10, if, as a result, a child is left unattended in the school bus.

(d) "Head Start bus driver" means a person possessing a valid Minnesota driver's license:

(1) with a passenger endorsement, who drives a Head Start bus;

(2) with a school bus driver's endorsement, who drives a Head Start bus; or

(3) who drives a vehicle with a seating capacity of ten or fewer persons used as a Head Start bus.

Sec. 9. Minnesota Statutes 2012, section 171.3215, subdivision 2, is amended to read:

Subd. 2. **Cancellation for disqualifying and other offenses.** Except as otherwise provided in this section, within ten days of receiving notice under section 631.40, subdivision 1a, or otherwise receiving notice for a nonresident driver, that a school bus driver has been convicted of a disqualifying offense, the commissioner shall permanently cancel the school bus driver's endorsement on the offender's driver's license and in the case of a nonresident, the driver's privilege to operate a school bus in Minnesota. A school bus driver whose endorsement or privilege to operate a school bus in Minnesota has been permanently canceled may not apply for reinstatement. Within ten days of receiving notice under section 631.40, subdivision 1a, or otherwise receiving notice for a nonresident driver, that a school bus driver has been convicted of a violation of section 169A.20, or a similar statute or ordinance from another state, and within ten days of revoking a school bus driver's license under section 169A.52, the commissioner shall cancel the school bus driver's endorsement on the offender's driver's license or the nonresident's privilege to operate a school bus in Minnesota for five years. After five years, a school bus driver may apply to the commissioner for reinstatement. Even after five years, cancellation of a

6.1 school bus driver's endorsement or a nonresident's privilege to operate a school bus in  
6.2 Minnesota for a violation under section 169A.20, sections 169A.50 to 169A.53, or a  
6.3 similar statute or ordinance from another state, shall remain in effect until the driver  
6.4 provides proof of successful completion of an alcohol or controlled substance treatment  
6.5 program. For a first offense, proof of completion is required only if treatment was ordered  
6.6 as part of a chemical use assessment. Within ten days of receiving notice under section  
6.7 631.40, subdivision 1a, or otherwise receiving notice for a nonresident driver, that a school  
6.8 bus driver has been convicted of a fourth moving violation in the last three years, the  
6.9 commissioner shall cancel the school bus driver's endorsement on the offender's driver's  
6.10 license or the nonresident's privilege to operate a school bus in Minnesota until one year  
6.11 has elapsed since the last conviction. A school bus driver who has no new convictions  
6.12 after one year may apply for reinstatement. Upon conviction for a violation of section  
6.13 169.443, subdivision 10, that results in a child being left unattended in the school bus the  
6.14 commissioner shall cancel the school bus driver's endorsement on the offender's driver's  
6.15 license for one year. Upon canceling the offender's school bus driver's endorsement, the  
6.16 commissioner shall immediately notify the licensed offender of the cancellation in writing,  
6.17 by depositing in the United States post office a notice addressed to the licensed offender at  
6.18 the licensed offender's last known address, with postage prepaid thereon.

6.19 Sec. 10. Minnesota Statutes 2012, section 631.40, subdivision 1a, is amended to read:

6.20 Subd. 1a. **Certified copy of disqualifying offense convictions sent to public safety**  
6.21 **and school districts.** When a person is convicted of committing a disqualifying offense, as  
6.22 defined in section 171.3215, subdivision 1, a gross misdemeanor, a fourth moving violation  
6.23 within the previous three years, a violation of section 169.443, subdivision 10, that results  
6.24 in a child being left unattended in a school bus, or a violation of section 169A.20, or a  
6.25 similar statute or ordinance from another state, the court shall determine whether the  
6.26 offender is a school bus driver as defined in section 171.3215, subdivision 1, whether the  
6.27 offender possesses a school bus driver's endorsement on the offender's driver's license and  
6.28 in what school districts the offender drives a school bus. If the offender is a school bus  
6.29 driver or possesses a school bus driver's endorsement, the court administrator shall send  
6.30 a certified copy of the conviction to the Department of Public Safety and to the school  
6.31 districts in which the offender drives a school bus within ten days after the conviction.