

1 AN ACT relating to school transportation and declaring an emergency.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔ Section 1. KRS 189.540 is amended to read as follows:

4 (1) **(a)** The Kentucky Board of Education shall promulgate administrative regulations
5 to govern the design and operation of all Kentucky school buses and to govern
6 the operation of ~~district-owned~~ passenger vehicles **owned, leased, or**
7 **privately contracted by the district that transport**~~transporting~~ students under
8 KRS 156.153**(3)**~~(2)~~.

9 **(b)** The board shall, with the advice and aid of the Department of Kentucky State
10 Police and the Transportation Cabinet, enforce the administrative regulations
11 governing the operation of all school buses, whether owned by a school
12 district or privately contracted, and all ~~district-owned~~ passenger vehicles
13 **owned, leased, or privately contracted by the district that**
14 **transport**~~transporting~~ students under KRS 156.153**(3)**~~(2)~~.

15 **(c)** The **administrative** regulations covering the operation shall by reference be
16 made a part of any contract with a school district. Every school district and
17 private contractor referred to under this subsection shall be subject to those
18 regulations.

19 (2) **(a)** **The administrative regulations promulgated by the Kentucky Board of**
20 **Education under subsection (1) of this section or under KRS 156.160 may**
21 **include requirements for regular instruction of pupils in school bus safety.**

22 **(b)** **A school district shall be exempt from the pupil instruction requirements**
23 **authorized in paragraph (a) of this subsection if:**

24 **1. The school district had a gross average daily attendance of transported**
25 **pupils under KRS 157.370 for the previous school year of forty-eight**
26 **(48) pupils or fewer without any additional factors included;**

27 **2. The school district's local board of education adopts a policy for**

1 instructing pupils on school bus safety prior to the pupil's use of a
2 district-owned or privately contracted school bus; and

3 3. The local board of education submits a copy of the district's policy to
4 the Kentucky Department of Education.

5 (c) A school district's failure to implement an instruction policy adopted under
6 paragraph (b) of this subsection shall be grounds for the Kentucky Board of
7 Education to revoke the school district's pupil instruction exemption until
8 the school district implements the policy.

9 (3) Any employee of any school district who violates any of the administrative
10 regulations in any contract executed on behalf of a school district shall be subject to
11 removal from office. Any person operating a school bus or passenger vehicle to
12 transport students under contract with a school district who fails to comply with
13 any of the administrative regulations shall be guilty of breach of contract and the
14 contract shall be canceled after proper notice and a hearing by the responsible
15 officers of such school district.

16 ~~(4)~~(3) (a) Any person who operates a school bus shall be required to possess a
17 commercial driver's license issued pursuant to KRS 281A.170 with a school
18 bus endorsement as described in KRS 281A.175.

19 (b) Any person who operates a passenger vehicle that is owned, leased, or
20 privately contracted by the district to transport students shall be required to
21 possess a valid Class D operator's license in accordance with subsection
22 (3)(c) of Section 2 of this Act.

23 ➔ Section 2. KRS 156.153 is amended to read as follows:

24 (1) (a) All school buses for which bids are made or bid contracts awarded shall meet
25 the standards and specifications of the Kentucky Department of Education.
26 The term "school bus," as used in this section, shall mean any motor vehicle
27 which meets the standards and specifications for school buses as provided by

1 law or by the standards or specifications of the Kentucky Department of
2 Education authorized by law and used solely in transporting school children
3 and school employees to and from school under the supervision and control
4 and at the direction of school authorities, and shall further include school bus
5 accessory equipment and supplies and replacement equipment considered to
6 be reasonably adaptable for purchase from price contract agreements.

7 (b) The standards and specifications for accessory equipment and supplies and
8 replacement equipment under paragraph (a) of this subsection shall be based
9 on federal safety standards and shall not discriminate among manufacturers
10 unless the Kentucky Department of Education finds evidence that a specific
11 manufacturer's product is defective or dangerous to use.

12 (c) The Kentucky Department of Education shall provide the list of standards and
13 specifications for accessory equipment and supplies and replacement
14 equipment to the Finance and Administration Cabinet for the purposes of
15 maintaining the price contract list required under KRS 45A.489.

16 (2) School buses shall be clearly marked as transporting students and shall undergo a
17 safety inspection no less than once every thirty (30) days.

18 (3) (a) Districts may also use vehicles owned, leased, or contracted by the district
19 that were designed and built by the manufacturer for passenger transportation
20 of nine (9) or fewer passengers, including the driver, for transporting students
21 to and from school and approved school activities under an alternative
22 transportation plan approved by the Kentucky Department of Education.

23 (b) Non-school bus passenger vehicles used under this subsection shall be clearly
24 marked as transporting students and undergo a safety inspection no less than
25 once every thirty (30) days. **However, non-school bus passenger vehicles**
26 **that are not for daily use shall not be required to be inspected more**
27 **frequently than once every three (3) months.**

- 1 (c) Non-school bus passenger vehicles used under this subsection shall be
2 operated by an employee or contractor of a local school district that has a
3 valid Class D operator's license. An individual that operates a non-school bus
4 passenger vehicle to transport a student or students without a current valid
5 license required by this paragraph shall be subject to the penalties set forth in
6 KRS 156.990(4).
- 7 (d) The Kentucky Board of Education shall promulgate administrative regulations
8 in accordance with KRS Chapter 13A to establish:
- 9 1. Minimum standards and specifications for non-school bus passenger
10 vehicles used under this subsection, including a standard for minimum
11 insurance coverage;
 - 12 2. Minimum route safety standards and pick-up and drop-off protocols for
13 pupil transportation using non-school bus passenger vehicles that
14 prohibit non-school bus passenger vehicles from depositing a student at
15 a location that would require the student to cross a road or intersection
16 to reach the student's destination; and
 - 17 3. Minimum qualifications, training, and drug testing requirements for an
18 individual to be authorized to transport any student to and from school
19 using a non-school bus passenger vehicle. The drug testing requirements
20 shall require an individual to submit to drug testing consistent with the
21 requirements of 49 C.F.R. pt. 40 to be authorized to transport students to
22 and from school using a non-school bus passenger vehicle.
- 23 (4) As part of its regular procedure for establishing and updating standards and
24 specifications for school buses and non-school bus passenger vehicles, the
25 Kentucky Department of Education shall consider allowing school buses to operate
26 using clean transportation fuels, as defined in KRS 186.750. If the department
27 determines that school buses or non-school bus passenger vehicles may operate

1 using clean transportation fuels while maintaining the same or a higher degree of
2 safety as fuels currently allowed, it shall update its standards and specifications to
3 allow for such use.

4 ➔Section 3. Whereas achieving efficiency in pupil transportation in the
5 Commonwealth is of paramount importance to schools, students, and parents, an
6 emergency is declared to exist, and this Act takes effect upon its passage and approval by
7 the Governor or upon its otherwise becoming a law.