

Senator Wayne A. Harper proposes the following substitute bill:

SCHOOL BUS INSPECTION REVISIONS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the safety inspection requirements for school buses.

Highlighted Provisions:

This bill:

- defines terms;
- changes the frequency of required safety inspections for school buses;
- requires random inspections on a portion of school buses; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-8-211, as last amended by Laws of Utah 2008, Chapter 382

53-8-211.5, as enacted by Laws of Utah 2001, Chapter 154

Be it enacted by the Legislature of the state of Utah:



Section 1. Section **53-8-211** is amended to read:

53-8-211. Safety inspection of school buses and other vehicles.

(1) For purposes of this section and Section 53-8-211.5, "education entity" means:

(a) a school district;

(b) a charter school;

(c) a private school; and

(d) the Utah Schools for the Deaf and the Blind.

~~[(+)]~~ (2) (a) ~~[The]~~ A school bus operated by an education entity in this state is required to pass a safety inspection annually and the Highway Patrol shall:

(i) perform safety inspections at least ~~[twice]~~ once each school year on all school buses operated by each ~~[school district and each private school]~~ education entity in the state for the transportation of students, except as otherwise provided in Subsection ~~[(+)]~~ (2)(b); ~~[and]~~

(ii) annually, at a time during the school year other than the time of the inspection described in Subsection (2)(a)(i), perform safety inspections on 20% of the school buses operated by an education entity, selected randomly, except as otherwise provided in Subsection (2)(b); and

~~[(+)]~~ (iii) cause to be removed from the public highways any vehicle found to have mechanical or other defects under this Subsection ~~[(+)]~~ (2)(a) endangering the safety of passengers and the public until the defects have been corrected.

(b) (i) ~~[A school district or private school]~~ An education entity may perform the safety inspections of a school bus that it operates in accordance with rules made by the division under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and after consultation with the State Board of Education.

(ii) The rules under Subsection ~~[(+)]~~ (2)(b)(i) shall include provisions for:

(A) maintaining school bus drivers' hours of service records;

(B) requiring school bus drivers to maintain vehicle condition reports;

(C) maintaining school bus maintenance and repair records; and

(D) validating that defects discovered during the inspection process have been corrected prior to returning a school bus to service.

(iii) (A) The division shall audit school bus safety operations of each ~~[school district and private school]~~ education entity performing inspections under Subsection ~~[(+)]~~ (2)(b)(i) to

ensure compliance with the rules made under ~~[that subsection]~~ Subsection (2)(b)(i).

(B) The audit may include both a formal examination of the ~~[district's or school's]~~ education entity's inspection records and a random physical inspection of buses that have been safety inspected by the ~~[district or the school]~~ education entity.

(iv) ~~[A school district or school]~~ An education entity must have a comprehensive school bus maintenance plan approved by the division in order to participate in the safety inspection program.

(v) ~~[A school district or private school]~~ An education entity may not operate any vehicle found to have mechanical or other defects that would endanger the safety of passengers and the public until the defects have been corrected.

~~[(2)]~~ (3) Motor vehicles operated by ~~[private schools or school districts]~~ an education entity, and not used for the transportation of students, are subject to Section 53-8-205.

Section 2. Section 53-8-211.5 is amended to read:

53-8-211.5. School bus safety standards -- Exceptions.

(1) Beginning July 1, 2003, ~~[a school district or private school]~~ an education entity, as defined in Section 53-8-211, may not use a vehicle with a seating capacity of 11 or more, including the driver, for the transportation of its students unless the vehicle meets federal school bus safety standards under 49 U.S.C. Sec. 30101, et seq.

(2) Subsection (1) does not apply to a vehicle operated by a common carrier, as defined in Section 59-12-102, if the common carrier is not exclusively engaged in the transportation of students.