

CHAPTER 151

(HB 430)

AN ACT relating to school transportation and declaring an emergency.

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

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

- (1) (a) The Kentucky Board of Education shall promulgate administrative regulations to govern the design and operation of all Kentucky school buses and to govern the operation of ~~{district-owned}~~ passenger vehicles ***owned, leased, or privately contracted by the district that transport{transporting}*** students under KRS 156.153(3)~~{(2)}~~.
- (b) The board shall, with the advice and aid of the Department of Kentucky State Police and the Transportation Cabinet, enforce the administrative regulations governing the operation of all school buses, whether owned by a school district or privately contracted, and all ~~{district-owned}~~ passenger vehicles ***owned, leased, or privately contracted by the district that transport{transporting}*** students under KRS 156.153(3)~~{(2)}~~.
- (c) The ***administrative*** regulations covering the operation shall by reference be made a part of any contract with a school district. Every school district and private contractor referred to under this subsection shall be subject to those regulations.
- (2) (a) ***The administrative regulations promulgated by the Kentucky Board of Education under subsection (1) of this section or under KRS 156.160 may include requirements for regular instruction of pupils in school bus safety.***
- (b) ***A school district shall be exempt from the pupil instruction requirements authorized in paragraph (a) of this subsection if:***
 1. ***The school district had a gross average daily attendance of transported pupils under KRS 157.370 for the previous school year of forty-eight (48) pupils or fewer without any additional factors included;***
 2. ***The school district's local board of education adopts a policy for instructing pupils on school bus safety prior to the pupil's use of a district-owned or privately contracted school bus; and***
 3. ***The local board of education submits a copy of the district's policy to the Kentucky Department of Education.***
- (c) ***A school district's failure to implement an instruction policy adopted under paragraph (b) of this subsection shall be grounds for the Kentucky Board of Education to revoke the school district's pupil instruction exemption until the school district implements the policy.***
- (3) Any employee of any school district who violates any of the administrative regulations in any contract executed on behalf of a school district shall be subject to removal from office. Any person operating a school bus ***or passenger vehicle to transport students*** under contract with a school district who fails to comply with any of the administrative regulations shall be guilty of breach of contract and the contract shall be canceled after proper notice and a hearing by the responsible officers of such school district.
- ~~(4){(3)}~~ (a) Any person who operates a school bus shall be required to possess a commercial driver's license issued pursuant to KRS 281A.170 with a school bus endorsement as described in KRS 281A.175.
- (b) ***Any person who operates a passenger vehicle that is owned, leased, or privately contracted by the district to transport students shall be required to possess a valid Class D operator's license in accordance with subsection (3)(c) of Section 2 of this Act.***

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

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

law and used solely in transporting school children and school employees to and from school under the supervision and control and at the direction of school authorities, and shall further include school bus accessory equipment and supplies and replacement equipment considered to be reasonably adaptable for purchase from price contract agreements.

- (b) The standards and specifications for accessory equipment and supplies and replacement equipment under paragraph (a) of this subsection shall be based on federal safety standards and shall not discriminate among manufacturers unless the Kentucky Department of Education finds evidence that a specific manufacturer's product is defective or dangerous to use.
 - (c) The Kentucky Department of Education shall provide the list of standards and specifications for accessory equipment and supplies and replacement equipment to the Finance and Administration Cabinet for the purposes of maintaining the price contract list required under KRS 45A.489.
- (2) School buses shall be clearly marked as transporting students and shall undergo a safety inspection no less than once every thirty (30) days.
- (3) (a) Districts may also use vehicles owned, leased, or contracted by the district that were designed and built by the manufacturer for passenger transportation of nine (9) or fewer passengers, including the driver, for transporting students to and from school and approved school activities under an alternative transportation plan approved by the Kentucky Department of Education.
- (b) Non-school bus passenger vehicles used under this subsection shall be clearly marked as transporting students and undergo a safety inspection no less than once every thirty (30) days. ***However, non-school bus passenger vehicles that are not for daily use shall not be required to be inspected more frequently than once every three (3) months.***
- (c) Non-school bus passenger vehicles used under this subsection shall be operated by an employee or contractor of a local school district that has a valid Class D operator's license. An individual that operates a non-school bus passenger vehicle to transport a student or students without a current valid license required by this paragraph shall be subject to the penalties set forth in KRS 156.990(4).
- (d) The Kentucky Board of Education shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish:
- 1. Minimum standards and specifications for non-school bus passenger vehicles used under this subsection, including a standard for minimum insurance coverage;
 - 2. Minimum route safety standards and pick-up and drop-off protocols for pupil transportation using non-school bus passenger vehicles that prohibit non-school bus passenger vehicles from depositing a student at a location that would require the student to cross a road or intersection to reach the student's destination; and
 - 3. Minimum qualifications, training, and drug testing requirements for an individual to be authorized to transport any student to and from school using a non-school bus passenger vehicle. The drug testing requirements shall require an individual to submit to drug testing consistent with the requirements of 49 C.F.R. pt. 40 to be authorized to transport students to and from school using a non-school bus passenger vehicle.
- (4) As part of its regular procedure for establishing and updating standards and specifications for school buses and non-school bus passenger vehicles, the Kentucky Department of Education shall consider allowing school buses to operate using clean transportation fuels, as defined in KRS 186.750. If the department determines that school buses or non-school bus passenger vehicles may operate using clean transportation fuels while maintaining the same or a higher degree of safety as fuels currently allowed, it shall update its standards and specifications to allow for such use.

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

Signed by Governor April 1, 2025.