

SENATE AMENDMENTS

2nd Printing

By: Giddings

H.B. No. 3190

A BILL TO BE ENTITLED

AN ACT

relating to minimum standards for school bus operators.

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

SECTION 1. Section 521.022(d), Transportation Code, is amended to read as follows:

(d) A person may not operate a school bus for the transportation of students unless the person's driving record is acceptable according to minimum standards adopted by the department. A check of the person's driving record shall be made with the department annually. The minimum standards adopted by the department must provide that a person's driving record is not acceptable if the person has been convicted of an offense under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, within the 10-year period preceding the date of the check of the person's driving record.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

ADOPTED

MAY 28 2007

Atty. Gen.
Secretary of the Senate

By: Giddings/Carona

H.B. No. 3190

Substitute the following for H.B. No. 3190:

By: Carona

C.S. H. B. No. 3190

A BILL TO BE ENTITLED

AN ACT

1
2 relating to school bus safety; creating an offense.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 521.022(d), Transportation Code, is
5 amended to read as follows:

6 (d) A person may not operate a school bus for the
7 transportation of students unless the person's driving record is
8 acceptable according to minimum standards adopted by the
9 department. A check of the person's driving record shall be made
10 with the department annually. The minimum standards adopted by the
11 department must provide that a person's driving record is not
12 acceptable if the person has been convicted of an offense under
13 Section 49.04, 49.045, 49.07, or 49.08, Penal Code, within the
14 10-year period preceding the date of the check of the person's
15 driving record.

16 SECTION 2. Section 541.201, Transportation Code, is amended
17 by adding Subdivision (11-a) and amending Subdivision (15) to read
18 as follows:

19 (11-a) "Multifunction school activity bus" means a
20 motor vehicle that was manufactured in compliance with the federal
21 motor vehicle safety standards for school buses in effect on the
22 date of manufacture other than the standards requiring the bus to
23 display alternately flashing red lights and to be equipped with
24 movable stop arms, and that is used to transport preprimary,

1 primary, or secondary students on a school-related activity trip
2 other than on routes to and from school. The term does not include a
3 school bus, a school activity bus, a school-chartered bus, or a bus
4 operated by a mass transit authority.

5 (15) "School activity bus" means a bus designed to
6 accommodate more than 15 passengers, including the operator, that
7 is owned, operated, rented, or leased by a school district, county
8 school, open-enrollment charter school, regional education service
9 center, or shared services arrangement and that is used to
10 transport public school students on a school-related activity trip,
11 other than on routes to and from school. The term does not include a
12 chartered bus, a bus operated by a mass transit authority, ~~or~~ a
13 school bus, or a multifunction school activity bus.

14 SECTION 3. Section 545.001, Transportation Code, is amended
15 to read as follows:

16 Sec. 545.001. DEFINITIONS ~~[DEFINITION]~~. In this chapter:

17 (1) "Pass" [~~,"pass"~~] or "passing" used in reference
18 to a vehicle means to overtake and proceed past another vehicle
19 moving in the same direction as the passing vehicle or to attempt
20 that maneuver.

21 (2) "School bus" includes a multifunction school
22 activity bus.

23 SECTION 4. Section 545.413(a), Transportation Code, is
24 amended to read as follows:

25 (a) A person commits an offense if:

26 (1) the person:

27 (A) [~~(1)~~] is at least 15 years of age;

1 (B) [~~(2)~~] is riding in the front seat of a
2 passenger vehicle while the vehicle is being operated;

3 (C) [~~(3)~~] is occupying a seat that is equipped
4 with a safety belt; and

5 (D) [~~(4)~~] is not secured by a safety belt; or

6 (2) as the operator of a school bus equipped with a
7 safety belt for the operator's seat, the person is not secured by
8 the safety belt.

9 SECTION 5. Subchapter I, Chapter 545, Transportation Code,
10 is amended by adding Section 545.426 to read as follows:

11 Sec. 545.426. OPERATION OF SCHOOL BUS. (a) A person may
12 not operate a school bus if:

13 (1) the door of the school bus is open; or

14 (2) the number of passengers on the bus is greater than
15 the manufacturer's design capacity for the bus.

16 (b) An operator of a school bus, while operating the bus,
17 shall prohibit a passenger from:

18 (1) standing in the bus; or

19 (2) sitting:

20 (A) on the floor of the bus; or

21 (B) in any location on the bus that is not
22 designed as a seat.

23 (c) The department may adopt rules necessary to administer
24 and enforce this section.

25 SECTION 6. Subchapter L, Chapter 547, Transportation Code,
26 is amended by adding Section 547.7012 to read as follows:

27 Sec. 547.7012. REQUIREMENTS FOR MULTIFUNCTION SCHOOL

1 ACTIVITY BUSES. A multifunction school activity bus may not be
2 painted National School Bus Glossy Yellow.

3 SECTION 7. Chapter 34, Education Code, is amended by adding
4 Section 34.0021 to read as follows:

5 Sec. 34.0021. SCHOOL BUS EMERGENCY EVACUATION TRAINING.

6 (a) Pursuant to the safety standards established by the Department
7 of Public Safety under Section 34.002, each school district shall
8 conduct a training session for students and teachers concerning
9 procedures for evacuating a school bus during an emergency.

10 (b) A school district shall conduct the school bus emergency
11 evacuation training at least twice each school year, with one
12 training session occurring in the fall and one training session
13 occurring in the spring. A portion of the training session must
14 occur on a school bus and the training session must last for at
15 least one hour.

16 (c) The school bus emergency evacuation training must be
17 based on the recommendations of the most recent edition of the
18 National School Transportation Specifications and Procedures, as
19 adopted by the National Congress on School Transportation, or a
20 similar school transportation safety manual.

21 (d) Not later than the 30th day after the date that a school
22 district completes a training session, the district shall provide
23 the Department of Public Safety with a record certifying the
24 district's completion of the training.

25 (e) The Department of Public Safety may adopt rules
26 necessary to implement this section.

27 SECTION 8. The change in law made by this Act by adding

1 Section 34.0021, Education Code, applies beginning with the
2 2007-2008 school year.

3 SECTION 9. This Act takes effect September 1, 2007.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 17, 2007

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3190 by Giddings (Relating to school bus safety; creating an offense.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

To the extent that school districts may currently have vehicles meeting the new definition of a multifunction school activity bus that are painted National School Bus Glossy Yellow, costs to repaint such vehicles may be incurred.

School districts that do not currently provide school bus emergency evacuation training to teachers and students could incur additional workload-related costs. For school districts that do not provide transportation services, costs could be incurred to lease buses for the purpose of providing the required training twice each year. It is assumed that the reporting requirement would only require the submission of a single document per district twice each year. Based on this assumption, there would be no significant additional cost associated with submitting the required certification records.

Source Agencies: 405 Department of Public Safety, 601 Department of Transportation, 701 Central Education Agency

LBB Staff: JOB, KJG, UP, JGM, JSp

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 16, 2007

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3190 by Giddings (Relating to minimum standards for school bus operators.), As
Engrossed

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, UP, JGM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

Revision 1

May 3, 2007

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3190** by Giddings (Relating to minimum standards for school bus operators.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, UP, JGM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 2, 2007

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB3190** by Giddings (Relating to minimum standards for school bus operators.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, UP, JGM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION
Revision 1

May 3, 2007

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3190 by Giddings (Relating to minimum standards for school bus operators.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, UP, JGM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 5, 2007

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3190 by Giddings (Relating to minimum standards for school bus operators.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, UP, JGM

