

By: Hamilton

H.B. No. 4499

A BILL TO BE ENTITLED

AN ACT

relating to school bus safety.

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

SECTION 1. Sec. 34.012, Education Code, is amended to read as follows:

Sec. 34.012. THREE-POINT SEAT BELT GUIDELINES AND INSTRUCTION; INFORMATION CLEARINGHOUSE. [~~a~~] The Texas Education Agency [~~State Board of Education~~] shall:

(1) with input from school districts and parent representatives, develop, adopt and make available to each school district best practice guidelines and procedures concerning three-point seat belts in school buses, including:

(A) a program and schedule of bus replacement and upgrade;

(B) a program of instruction in the proper use of a three-point seat belt;

(C) a program of mandatory use of three-point seat belts in compliance with Section 34.013 of this Code;

(D) a program of accident reporting in compliance with Section 34.015 of this Code; and

(E) compliance, if applicable, with Section 547.701, Transportation Code, if school buses originally purchased without seat belts are used; and

(2) [~~+~~]

1           ~~[(b) The State Board of Education shall]~~ serve as a  
2 clearinghouse of best practices for school districts seeking the  
3 most efficient and sensible information regarding school bus  
4 safety~~[, including possible compliance with Section 547.701,~~  
5 ~~Transportation Code, using school buses originally purchased~~  
6 ~~without seat belts].~~

7           SECTION 2. Chapter 34, Education Code, is amended by adding  
8 Section 34.0121 to read as follows:

9           Sec. 34.0121. DISTRIBUTION AND ELIGIBILITY OF STATE FUNDS;  
10 IMPLEMENTATION OF SEAT BELT POLICIES.

11           (a) Distribution of State Funds. The Texas Education Agency  
12 shall:

13                   (1) distribute state funds, in an efficient and  
14 equitable manner, to reimburse eligible school districts for the  
15 purchase of three-point seat belts to meet the requirements of Sec.  
16 547.701, Transportation Code; and

17                   (2) establish limits to the amount of reimbursement  
18 based on the type of bus being equipped, the amount of state funding  
19 available and competitive bid pricing.

20           (b) Eligibility to Receive State Funds. Before a school  
21 district may become eligible to receive state funds under this  
22 section, the school district must:

23                   (1) implement a school district bus replacement plan  
24 and schedule consistent with Texas Education Agency policy  
25 guidelines;

26                   (2) implement a policy of mandatory instruction in the  
27 proper use of a three-point seat belts in school district buses

1 consistent with Texas Education Agency policy guidelines;

2 (3) implement a policy for mandatory use of  
3 three-point seat belts in school district buses in compliance with  
4 Sec. 34.013 of this Code;

5 (4) provide evidence that the three-point seat belts  
6 purchased conform to federal motor vehicle safety and performance  
7 standards; and

8 (5) if purchasing buses independently of the  
9 cooperative purchasing program, provide to Texas Education Agency,  
10 documentation of the price paid to purchase school buses.

11 SECTION 3. The heading to Section 34.014, Education Code,  
12 is amended to read as follows:

13 Sec. 34.014. CHARITABLE FUNDING FOR THREE-POINT SEAT BELTS.

14 SECTION 4. Section 547.701, Transportation Code is amended  
15 to read as follows:

16 Sec. 547.701. ADDITIONAL EQUIPMENT REQUIREMENTS FOR SCHOOL  
17 BUSES AND OTHER BUSES USED TO TRANSPORT SCHOOLCHILDREN. (a) A  
18 school bus shall be equipped with:

19 (1) a convex mirror or other device that reflects to  
20 the school bus operator a clear view of the area immediately in  
21 front of the vehicle that would otherwise be hidden from view; and

22 (2) signal lamps that:

23 (A) are mounted as high and as widely spaced  
24 laterally as practicable;

25 (B) display four alternately flashing red  
26 lights, two located on the front at the same level and two located  
27 on the rear at the same level; and

1                   (C) emit a light visible at a distance of 500 feet  
2 in normal sunlight.

3           (b) A school bus may be equipped with:

4                   (1) rooftop warning lamps:

5                           (A) that conform to and are placed on the bus in  
6 accordance with specifications adopted under Section 34.002,  
7 Education Code; and

8                           (B) that are operated under rules adopted by the  
9 school district; and

10                   (2) movable stop arms:

11                           (A) that conform to regulations adopted under  
12 Section 34.002, Education Code; and

13                           (B) that may be operated only when the bus is  
14 stopped to load or unload students.

15           (c) When a school bus is being stopped or is stopped on a  
16 highway to permit students to board or exit the bus, the operator of  
17 the bus shall activate all flashing warning signal lights and other  
18 equipment on the bus designed to warn other drivers that the bus is  
19 stopping to load or unload children. A person may not operate such  
20 a light or other equipment except when the bus is being stopped or  
21 is stopped on a highway to permit students to board or exit the bus.

22           (d) The exterior of a school bus may not bear advertising or  
23 another paid announcement directed at the public if the advertising  
24 or announcement distracts from the effectiveness of required safety  
25 warning equipment. The department shall adopt rules to implement  
26 this subsection. A school bus that violates this section or rules  
27 adopted under this section shall be placed out of service until it

1 complies.

2 (e) In this subsection, "bus" includes a school bus and a  
3 school activity bus. A bus operated by or contracted for use by a  
4 school district for the transportation of schoolchildren shall be  
5 equipped with a three-point seat belt for each passenger, including  
6 the operator, conforming to federal motor vehicle safety and  
7 performance standards. This subsection applies to:

8 (1) each bus purchased by a school district on or after  
9 September 1, 2010, for the transportation of schoolchildren; and

10 (2) each school-chartered bus contracted for use by a  
11 school district on or after September 1, 2011, for the  
12 transportation of schoolchildren.

13 SECTION 5. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2009.