

Reprinted

APR 23 1991

HOUSE FILE 698
BY COMMITTEE ON WAYS AND MEANS

WAYS & MEANS CALENDAR

(SUCCESSOR TO HF 528)

(SUCCESSOR TO HF 630)

Passed House, Date 4/30/91 (p. 1911) Passed Senate, Date 5/3/91 (P. 1667)
Vote: Ayes 83 Nays 15 Vote: Ayes 28 Nays 18
Approved May 23, 1991

A BILL FOR

37871 An Act to establish a school bus driver education fund for school
2 bus driver and passenger safety programs, and providing for a
3 fee.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 698

51212

Section 321.375, Code 1991, is amended to read as follows:

321.376 LICENSE -- PERMIT -- INSTRUCTION REQUIREMENT.

1. The driver of a school bus shall hold a school bus driver's permit issued annually by the department of education and a driver's license issued by the department valid for the operation of the school bus. The department of education shall charge a fee for the issuance of a school bus driver's permit in the amount of five dollars, which shall be deposited in the general fund of the state. A person holding a temporary restricted license issued under chapter 321J shall be prohibited from operating a school bus.

2. A person applying for employment or employed as a school bus driver shall successfully complete a department of education approved course of instruction for school bus drivers before or within the first six months of employment and at least every twenty-four months thereafter. If an employee fails to provide an employer with a certificate of completion of the required school bus driver's course, the driver's employer shall report the failure to the department of education and the employee's school bus driver's permit shall be revoked. The department of education shall send notice of the revocation of the employee's permit to both the employee and the employer. A person whose school bus driver's permit has been revoked under this section shall not be issued another school bus driver's permit until certification of the completion of an approved school bus driver's course is received by the department of education.

3. A separate fund in the state treasury to be known as the school bus driver training and passenger safety fund is established under the control of the department of education. Moneys credited to the fund are to be used to establish and conduct approved courses of instruction for school bus drivers and for school bus passenger safety programs. Moneys in the fund shall be derived from the fee charged for the issuance of

1 the school bus driver permit. The department shall recommend
2 rules for adoption by the state board of education relating to
3 the assessment and collection of funds from the school bus
4 driver fee and relating to distribution of funds for approved
5 courses of instruction.

6 EXPLANATION

7 This bill creates a school bus driver training and
8 passenger safety fund under the control of the department of
9 education. Moneys in the fund are to be derived from the
10 charging of an annual fee for school bus driver permits and
11 are to be used to pay for the establishing and conducting of
12 approved courses of instruction for school bus drivers and for
13 passenger safety programs. School bus driver permits are
14 currently issued on an annual basis without charge to the
15 recipient.

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HOUSE FILE 698

H-3789

1 Amend House File 698 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 321.375, subsection 2,
5 paragraph d, Code 1991, is amended to read as follows:
6 d. The commission of or conviction for a public
7 offense as defined by the Iowa criminal code, if the
8 offense is relevant to and affects driving ability, or
9 if the offense includes sexual involvement with a
10 minor student with the intent to commit acts and
11 practices proscribed under sections 709.2 through
12 709.4, section 709.8, and sections 725.1 through
13 725.3, or if the offense includes child abuse as
14 defined under section 280.17."

15 2. Page 1, line 12, by inserting after the word
16 "bus." the following: "The department shall revoke or
17 refuse to issue a permit to any person who, after
18 notice and opportunity for hearing, is determined to
19 have committed any of the acts proscribed under
20 section 321.375, subsection 2."

21 3. Title page, by striking line 1 and inserting
22 the following: "An Act relating to school bus driver
23 education and qualifications, establishing a fund for
24 school".

25 4. By renumbering as necessary.

By COHOON of Des Moines

H-3789 FILED APRIL 23, 1991

Adopted 4/30/91 (p. 1911)

HOUSE FILE 698

H-3833

1 Amend House File 698 as follows:

2 1. By striking page 1, line 29, through page 2,
3 line 1, and inserting the following:

4 "3. The department of education shall submit an
5 annual budget request, separately from the
6 department's annual operating budget request, in an
7 amount not to exceed the amount collected by the
8 department for the issuance of annual school bus
9 driver permits. Funds requested shall be designated
10 for purposes of establishing and conducting approved
11 courses of instruction for school bus drivers and for
12 school bus passenger safety programs. The department
13 shall recommend".

14 2. Title page, line 1, by striking the words "a
15 school bus driver education fund" and inserting the
16 following: "funding".

By SVOBODA of Tama

H-3833 FILED APRIL 25, 1991

Adopted 4/30 (p. 1911) except for line 14 then 16 which were placed 0/0

Way: *Revised 4/30/91 Amend (3686) To Pass 5/2/91 (p 1627)*

HOUSE FILE 698
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 528)
(SUCCESSOR TO HF 630)

(As Amended and Passed by the House April 30, 1991)

as further amended by Senate
Passed House, Date 5/7/91 (p. 2148) Passed Senate, Date 5/3/91 (p 1667)
Vote: Ayes 72 Nays 23 Vote: Ayes 28 Nays 18
Approved May 23, 1991

A BILL FOR

1 An Act relating to school bus driver education and
2 qualifications, establishing a fund for school bus driver and
3 passenger safety programs, and providing for a fee.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. Section 321.375, subsection 2, paragraph d,
2 Code 1991, is amended to read as follows:

3 d. The commission of or conviction for a public offense as
4 defined by the Iowa criminal code, if the offense is relevant
5 to and affects driving ability, or if the offense includes
6 sexual involvement with a minor student with the intent to
7 commit acts and practices proscribed under sections 709.2
8 through 709.4, section 709.8, and sections 725.1 through
9 725.3, or if the offense includes child abuse as defined under
10 section 280.17.

11 Sec. 2. Section 321.376, Code 1991, is amended to read as
12 follows:

13 321.376 LICENSE -- PERMIT -- INSTRUCTION REQUIREMENT.

14 1. The driver of a school bus shall hold a school bus
15 driver's permit issued annually by the department of education
16 and a driver's license issued by the department valid for the
17 operation of the school bus. The department of education
18 shall charge a fee for the issuance of a school bus driver's
19 permit in the amount of five dollars, which shall be deposited
20 in the general fund of the state. A person holding a
21 temporary restricted license issued under chapter 321J shall
22 be prohibited from operating a school bus. The department
23 shall revoke or refuse to issue a permit to any person who,
24 after notice and opportunity for hearing, is determined to
25 have committed any of the acts proscribed under section
26 321.375, subsection 2.

27 2. A person applying for employment or employed as a
28 school bus driver shall successfully complete a department of
29 education approved course of instruction for school bus
30 drivers before or within the first six months of employment
31 and at least every twenty-four months thereafter. If an
32 employee fails to provide an employer with a certificate of
33 completion of the required school bus driver's course, the
34 driver's employer shall report the failure to the department
35 of education and the employee's school bus driver's permit

1 shall be revoked. The department of education shall send
2 notice of the revocation of the employee's permit to both the
3 employee and the employer. A person whose school bus driver's
4 permit has been revoked under this section shall not be issued
5 another school bus driver's permit until certification of the
6 completion of an approved school bus driver's course is
7 received by the department of education.

8 3. The department of education shall submit an annual
9 budget request, separately from the department's annual
10 operating budget request, in an amount not to exceed the
11 amount collected by the department for the issuance of annual
12 school bus driver permits. Funds requested shall be
13 designated for purposes of establishing and conducting
14 approved courses of instruction for school bus drivers and for
15 school bus passenger safety programs. The department shall
16 recommend rules for adoption by the state board of education
17 relating to the assessment and collection of funds from the
18 school bus driver fee and relating to distribution of funds
19 for approved courses of instruction.

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HOUSE FILE 698

S-3706

1 Amend the amendment, S-3686, to House File 698, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by inserting after line 3, the
5 following:
6 "____. Page 1, line 26, by inserting after the
7 word and figure "subsection 2." the following: "The
8 department of education shall recommend, and the state
9 board of education shall adopt under chapter 17A,
10 rules and procedures for the revocation and issuance
11 of permits to persons. Rules and procedures adopted
12 shall include, but are not limited to, provisions for
13 the revocation of, or refusal to issue, permits to
14 persons who are determined to have committed any of
15 the acts proscribed under section 321.375, subsection
16 2."
17 _____. Page 2, by inserting after line 19, the
18 following:
19 "Sec. _____. RULEMAKING. The department of
20 education shall recommend, and the state board of
21 education shall adopt under chapter 17A, rules which
22 shall be effective by January 1, 1992, which require
23 local school districts to immediately notify the
24 parent, guardian, or legal custodian of a child, that
25 the child is being questioned as provided under
26 section 280.17 and permit the parent, guardian, or
27 legal custodian to be present during the
28 questioning.""
29 2. By numbering and renumbering as necessary.

By LARRY MURPHY

S-3706 FILED MAY 3, 1991
ADOPTED (cf 1666)

HOUSE FILE 698

S-3686

1 Amend House File 698, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 1 through 10.
By COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chairperson

S-3686 FILED MAY 2, 1991

Adopted as amended by 3706 5/3/91 (cf 1667)

SENATE AMENDMENT TO HOUSE FILE 698

H-4054

1 Amend House File 698, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 1 through 10.

4 2. Page 1, line 26, by inserting after the word
5 and figure "subsection 2." the following: "The
6 department of education shall recommend, and the state
7 board of education shall adopt under chapter 17A,
8 rules and procedures for the revocation and issuance
9 of permits to persons. Rules and procedures adopted
10 shall include, but are not limited to, provisions for
11 the revocation of, or refusal to issue, permits to
12 persons who are determined to have committed any of
13 the acts proscribed under section 321.375, subsection
14 2."

15 3. Page 2, by inserting after line 19, the
16 following:

17 "Sec. ____ . RULEMAKING. The department of
18 education shall recommend, and the state board of
19 education shall adopt under chapter 17A, rules which
20 shall be effective by January 1, 1992, which require
21 local school districts to immediately notify the
22 parent, guardian, or legal custodian of a child, that
23 the child is being questioned as provided under
24 section 280.17 and permit the parent, guardian, or
25 legal custodian to be present during the questioning."

RECEIVED FROM THE SENATE

H-4054 FILED MAY 6, 1991

House Concurred 5/7/91 (p. 2148)

HOUSE FILE 698

AN ACT

RELATING TO SCHOOL BUS DRIVER EDUCATION AND QUALIFICATIONS,
ESTABLISHING A FUND FOR SCHOOL BUS DRIVER AND PASSENGER
SAFETY PROGRAMS, AND PROVIDING FOR A FEE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321.376, Code 1991, is amended to read as follows:

321.376 LICENSE -- PERMIT -- INSTRUCTION REQUIREMENT.

1. The driver of a school bus shall hold a school bus driver's permit issued annually by the department of education and a driver's license issued by the department valid for the operation of the school bus. The department of education shall charge a fee for the issuance of a school bus driver's permit in the amount of five dollars, which shall be deposited in the general fund of the state. A person holding a temporary restricted license issued under chapter 321J shall be prohibited from operating a school bus. The department shall revoke or refuse to issue a permit to any person who, after notice and opportunity for hearing, is determined to have committed any of the acts proscribed under section 321.375, subsection 2. The department of education shall recommend, and the state board of education shall adopt under chapter 17A, rules and procedures for the revocation and issuance of permits to persons. Rules and procedures adopted shall include, but are not limited to, provisions for the revocation of, or refusal to issue, permits to persons who are

determined to have committed any of the acts proscribed under section 321.375, subsection 2.

2. A person applying for employment or employed as a school bus driver shall successfully complete a department of education approved course of instruction for school bus drivers before or within the first six months of employment and at least every twenty-four months thereafter. If an employee fails to provide an employer with a certificate of completion of the required school bus driver's course, the driver's employer shall report the failure to the department of education and the employee's school bus driver's permit shall be revoked. The department of education shall send notice of the revocation of the employee's permit to both the employee and the employer. A person whose school bus driver's permit has been revoked under this section shall not be issued another school bus driver's permit until certification of the completion of an approved school bus driver's course is received by the department of education.

3. The department of education shall submit an annual budget request, separately from the department's annual operating budget request, in an amount not to exceed the amount collected by the department for the issuance of annual school bus driver permits. Funds requested shall be designated for purposes of establishing and conducting approved courses of instruction for school bus drivers and for school bus passenger safety programs. The department shall recommend rules for adoption by the state board of education relating to the assessment and collection of funds from the school bus driver fee and relating to distribution of funds for approved courses of instruction.

Sec. 2. RULEMAKING. The department of education shall recommend, and the state board of education shall adopt under chapter 17A, rules which shall be effective by January 1, 1992, which require local school districts to immediately notify the parent, guardian, or legal custodian of a child,

that the child is being questioned as provided under section 280.17 and permit the parent, guardian, or legal custodian to be present during the questioning.

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 698, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 23, 1991

TERRY E. BRANSTAD
Governor