

Senate File 339 - Introduced

SENATE FILE 339
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1205)

A BILL FOR

1 An Act relating to inspections of school buses and certain
2 other vehicles used to transport children and making
3 penalties applicable.

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

1 Section 1. Section 285.8, subsection 4, Code 2013, is
2 amended to read as follows:

3 4. a. Inspect or cause to be inspected all vehicles used
4 as school buses to transport school children and all vehicles
5 otherwise regularly used to transport children to determine
6 if such vehicles meet all legal and established standards
7 of construction and can be operated with safety, comfort,
8 and economy. When it is determined that further use of such
9 vehicles is dangerous to the ~~pupils~~ children transported and to
10 the safety and welfare of the traveling public, the department
11 of education shall order such vehicle to be withdrawn from
12 further use on a specified date no later than thirty days
13 following such determination. School buses and vehicles
14 otherwise regularly used to transport children which do not
15 conform to the requirements of the department of education may
16 be issued a temporary certificate of operation provided that
17 such ~~school buses~~ vehicles can be operated with safety, and
18 provided further that no such certificate shall be issued for a
19 period in excess of ~~one year~~ thirty days. All equipment can be
20 required to be altered, or safety equipment added, in order to
21 make vehicles reasonably safe for operation. A vehicle which
22 does not pass an inspection shall be subject to a subsequent
23 inspection within not more than thirty days. A vehicle which
24 does not pass a subsequent inspection shall be removed from
25 service until such time as the vehicle passes an inspection.
26 New buses and vehicles otherwise regularly used to transport
27 children, after initial inspection and approval, shall be
28 issued a seal of inspection. After each annual inspection a
29 seal of inspection and approval shall be issued. ~~Said~~ The
30 seals shall be mounted on the lower right hand corner of the
31 windshield.

32 b. The state board of education shall adopt rules for
33 required, uniform inspections of vehicles otherwise regularly
34 used to transport children. Such rules shall allow for
35 inspections to be conducted by qualified private automobile

1 mechanics or the department of education.

2 c. For purposes of this subsection, "vehicle otherwise
3 regularly used to transport children" means the same as defined
4 in section 321.1, subsection 91A.

5 Sec. 2. Section 321.1, Code 2013, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 91A. "Vehicle otherwise regularly used
8 to transport children" means every vehicle operated for the
9 transportation of children, except for the following:

10 a. School buses.

11 b. Vehicles privately owned and not operated for
12 compensation.

13 c. Vehicles used exclusively to transport children in the
14 immediate family of the driver.

15 d. Vehicles used to provide transportation service available
16 to the general public, whether or not for compensation.

17 e. Authorized emergency vehicles.

18 f. Vehicles incidentally used to transport children.

19 Sec. 3. Section 321.373, subsection 1, Code 2013, is amended
20 to read as follows:

21 1. Every school bus except private passenger vehicles
22 used as school buses and every vehicle otherwise regularly
23 used to transport children shall be constructed and equipped
24 to meet safety standards prescribed in rules adopted by the
25 state board of education. Such rules shall conform to safety
26 standards set forth in federal laws and regulations and shall
27 conform, insofar as practicable, to the minimum standards
28 for school buses recommended by the national conference on
29 school transportation administered by the national commission
30 on safety education and published by the national education
31 association.

32 Sec. 4. Section 321.374, Code 2013, is amended to read as
33 follows:

34 **321.374 Inspection — seal of approval.**

35 ~~No~~ A vehicle shall not be put into service as a school

1 bus or as a vehicle otherwise regularly used to transport
2 children until it is given an original inspection to determine
3 if it meets all legal and established uniform standards of
4 construction for the protection of the health and safety of
5 children to be transported. Vehicles which are approved shall
6 be issued a seal of approval by the director of the department
7 of education. All vehicles used as school buses or vehicles
8 otherwise regularly used to transport children shall be given a
9 safety inspection at least once a year. ~~Buses~~ Vehicles passing
10 the inspection shall be issued an inspection seal of approval
11 by the director of the department of education. The seal of
12 original inspection and the annual seal of inspection shall be
13 affixed to the lower right hand corner of the windshield. A
14 vehicle which does not pass the inspection shall be subject to
15 a subsequent inspection within not more than thirty days. A
16 vehicle which does not pass a subsequent inspection shall be
17 removed from service until such time as the vehicle passes an
18 inspection.

19 Sec. 5. Section 321.379, Code 2013, is amended to read as
20 follows:

21 **321.379 Violations.**

22 A school board, individual, or organization shall not
23 purchase, construct, or contract for use, to transport ~~pupils~~
24 ~~to or from school~~ children, any school bus or vehicle otherwise
25 regularly used to transport children which does not comply with
26 the minimum requirements of section 321.373 and any individual,
27 or any member or officer of such board or organization who
28 authorizes, the purchase, construction, or contract for any
29 such ~~bus~~ vehicle not complying with these minimum requirements
30 commits a simple misdemeanor.

31 Sec. 6. Section 331.653, subsection 32, Code 2013, is
32 amended to read as follows:

33 32. Enforce sections 321.372 to 321.379 relating to school
34 buses and vehicles otherwise regularly used to transport
35 children.

1 emergency vehicles; or vehicles incidentally used to transport
2 children.

3 The bill provides that vehicles otherwise regularly used
4 to transport children must conform to minimum vehicle safety
5 inspection standards as far as practicable and as set out by
6 the state board of education by rule. The bill requires the
7 board to adopt rules for required, uniform inspections of
8 vehicles otherwise regularly used to transport children, which
9 allow for such inspections to be conducted by qualified private
10 automobile mechanics or the department of education.

11 Current law provides that a school board, individual, or
12 organization must not purchase, construct, or contract for
13 use of a school bus that does not comply with minimum state
14 standards. Current law provides that any person who authorizes
15 such an action is guilty of a simple misdemeanor. The bill
16 adds vehicles otherwise regularly used to transport children
17 to those requirements. A simple misdemeanor is punishable by
18 confinement for no more than 30 days or a fine of at least \$65
19 but not more than \$625 or by both.

20 The bill may include a state mandate as defined in Code
21 section 25B.3. The bill requires that the state cost of
22 any state mandate included in the bill be paid by a school
23 district from state school foundation aid received by the
24 school district under Code section 257.16. The specification
25 is deemed to constitute state compliance with any state mandate
26 funding-related requirements of Code section 25B.2. The
27 inclusion of this specification is intended to reinstate the
28 requirement of political subdivisions to comply with any state
29 mandates included in the bill.