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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3469

February 25, 2008

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The bill was read for the first time and referred to the Committee on E-12 Education

March 17, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Transportation Finance Division

1.1 A bill for an act
1.2 relating to student transportation; requiring certain information in transportation
1.3 services contracts; amending Minnesota Statutes 2006, section 123B.88,
1.4 subdivision 3; proposing coding for new law in Minnesota Statutes, chapter
1.5 123B.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2006, section 123B.88, subdivision 3, is amended to read:

1.8 Subd. 3. **Transportation services contracts; requirements.** (a) The board may
1.9 contract for the furnishing of authorized transportation under section 123B.52, and may
1.10 purchase gasoline and furnish same to a contract carrier for use in the performance of a
1.11 contract with the school district for transportation of school children to and from school.

1.12 (b) An initiated transportation services contract shall include by contract language,
1.13 addendum, or supplementary information terms addressing:

1.14 (1) a summary of school bus driver training requirements, including the minimum
1.15 number of preservice training hours and the minimum number of in-service training hours;

1.16 (2) a driver recruitment and retention plan, including:

1.17 (i) an explanation of the actions the contractor has taken or will take to recruit
1.18 qualified drivers for the transportation services contract;

1.19 (ii) an explanation of the process for screening applicants to be certain that they meet
1.20 the school bus driver requirements in federal law, state law, and the transportation services
1.21 contract, including federal and state controlled substance and alcohol testing requirements;

1.22 (iii) an explanation of the training that drivers receive prior to assignment to
1.23 transportation service; and

1.24 (iv) an explanation of the actions of the employer to retain qualified drivers to meet
1.25 requirements of the transportation services contract, including an explanation of wage

2.1 rates and employee benefits and policies on compensated absences such as paid vacations,
2.2 holidays, and sick leave;

2.3 (3) the reporting to the local school district of all school bus accidents;

2.4 (4) the reporting to the local school district of all school bus driver reported traffic
2.5 convictions, based upon the requirement of commercial drivers to report traffic convictions
2.6 to their employer under Federal Motor Carrier Safety Administration, rule 383.31;

2.7 (5) the reporting within one week to the local school district the results of any
2.8 Minnesota Highway Patrol inspection of school buses being regularly utilized for the
2.9 transportation under the transportation contract;

2.10 (6) the school bus driver employee turnover ratio, defined as the number of school
2.11 bus drivers during the most recent school year divided by the daily average number of
2.12 school bus drivers during the same regular school year within bus garage location or other
2.13 reasonable basis. The turnover rate may exclude those drivers whose employment is
2.14 terminated or who are otherwise removed for cause from service; and

2.15 (7) the date of hire of the employer's current employees identified by their job
2.16 classification, which may include any relevant prior experience. Summer and other regular
2.17 school breaks should not be considered interruptions to employment.

2.18 (c) Notwithstanding section 123B.52, a school district may award a transportation
2.19 contract in the interest of student safety and cost-effectiveness.

2.20 **EFFECTIVE DATE.** This section is effective July 1, 2008.

2.21 **Sec. 2. [123B.915] SCHOOL BUS DRIVERS.**

2.22 Subdivision 1. **Driver pay.** School bus driver employees must be paid for the
2.23 actual time worked. If a route pay system or hourly estimation is used, school bus driver
2.24 employees must be scheduled and paid for actual time for required inspection of buses.

2.25 Subd. 2. **Right to refuse.** School bus drivers who document needed bus repairs
2.26 shall have the right to refuse to operate the bus immediately for a safety-related repair,
2.27 which meets the out-of-service definition of Minnesota Rules, part 7470.0600. In this
2.28 situation, the driver shall be provided an alternate bus, if available, and time to inspect it.
2.29 The driver shall not be penalized in any way for fees, fines, or consequences incurred by
2.30 the employer for delays or failure to provide the transportation service in a timely manner
2.31 in this situation. Nothing in this section may diminish the rights, pay, or benefits of drivers
2.32 covered by a collective bargaining agreement with an exclusive representative.

2.33 **EFFECTIVE DATE.** This section is effective July 1, 2008.