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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3575

February 28, 2008

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The bill was read for the first time and referred to the Transportation Finance Division

1.1 A bill for an act
1.2 relating to pupil transportation; establishing qualifications for type III school
1.3 bus drivers; providing criminal penalties; authorizing rulemaking; amending
1.4 Minnesota Statutes 2006, sections 169.454, subdivision 13; 169A.31; 171.02,
1.5 by adding subdivisions.

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

1.7 Section 1. Minnesota Statutes 2006, section 169.454, subdivision 13, is amended to
1.8 read:

1.9 Subd. 13. **Exemption.** When a vehicle otherwise qualifying as a type III vehicle
1.10 under section 169.01, subdivision 6, paragraph (5), whether owned and operated by a
1.11 school district or privately owned and operated, is used to transport school children in a
1.12 nonscheduled situation, it shall be exempt from the vehicle requirements of this section
1.13 ~~and the licensing requirements of section 171.321~~, if the vehicle is properly registered
1.14 and insured and operated by an employee or agent of a school district ~~with~~ who holds a
1.15 valid driver's license and who complies in all respects with the requirements of section
1.16 171.02, subdivision 2b.

1.17 **EFFECTIVE DATE.** This section is effective September 1, 2008.

1.18 Sec. 2. Minnesota Statutes 2006, section 169A.31, is amended to read:

1.19 **169A.31 ALCOHOL-RELATED SCHOOL BUS ~~OR~~, HEAD START BUS,**
1.20 **OR TYPE III SCHOOL BUS DRIVING.**

1.21 Subdivision 1. **Crime described.** It is a crime for any person to drive, operate, or
1.22 be in physical control of any class of school bus ~~or~~, Head Start bus, or type III school

2.1 bus within this state when there is physical evidence present in the person's body of the
 2.2 consumption of any alcohol.

2.3 Subd. 2. **Gross misdemeanor alcohol-related school bus ~~or~~, Head Start bus, or**
 2.4 **type III school bus driving**. A person who violates subdivision 1 is guilty of gross
 2.5 misdemeanor alcohol-related school bus ~~or~~, Head Start bus, or type III school bus driving
 2.6 if:

2.7 (1) the violation occurs while a child under the age of 16 is in the vehicle, if the child
 2.8 is more than 36 months younger than the violator; or

2.9 (2) the violation occurs within ten years of a qualified prior impaired driving incident.

2.10 Subd. 3. **Misdemeanor alcohol-related school bus ~~or~~, Head Start bus, or type**
 2.11 **III school bus driving**. Except as provided in subdivision 2, a person who violates
 2.12 subdivision 1 is guilty of misdemeanor alcohol-related school bus ~~or~~, Head Start bus, or
 2.13 type III school bus driving.

2.14 **EFFECTIVE DATE.** This section is effective August 1, 2008.

2.15 Sec. 3. Minnesota Statutes 2006, section 171.02, is amended by adding a subdivision
 2.16 to read:

2.17 Subd. 2b. **Exception for type III school bus drivers.** (a) Notwithstanding
 2.18 subdivision 2, paragraph (c), the holder of a class D driver's license, without a school bus
 2.19 endorsement, may operate a type III school bus described in section 169.01, subdivision 6,
 2.20 paragraph (5), under the conditions in paragraphs (b) through (n).

2.21 (b) The operator is an employee of the entity that owns, leases, or contracts for
 2.22 the school bus.

2.23 (c) The operator's employer has adopted and implemented a policy that provides for
 2.24 annual training and certification of the operator in:

2.25 (1) safe operation of a type III school bus;

2.26 (2) understanding student behavior, including issues relating to students with
 2.27 disabilities;

2.28 (3) encouraging orderly conduct of students on the bus and handling incidents of
 2.29 misconduct appropriately;

2.30 (4) knowing and understanding relevant laws, rules of the road, and local school
 2.31 bus safety policies;

2.32 (5) handling emergency situations;

2.33 (6) proper use of seat belts and child safety restraints;

2.34 (7) performance of pretrip vehicle inspections; and

2.35 (8) safe loading and unloading of students, including, but not limited to:

- 3.1 (i) utilizing a safe location for loading and unloading students at the curb, on the
3.2 nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other
3.3 areas to enable the student to avoid hazardous conditions;
- 3.4 (ii) refraining from loading and unloading students in a vehicular traffic lane, on the
3.5 shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;
- 3.6 (iii) avoiding a loading or unloading location that would require a pupil to cross a
3.7 road, or ensuring that the driver or an aide personally escort the pupil across the road if
3.8 it is not reasonably feasible to avoid such a location; and
- 3.9 (iv) placing the type III school bus in "park" during loading and unloading.
- 3.10 (d) A background check or background investigation of the operator has been
3.11 conducted that meets the requirements under section 122A.18, subdivision 8, or 123B.03
3.12 for teachers; section 144.057 or chapter 245C for day care employees; or section 171.321,
3.13 subdivision 3, for all other persons operating a type A or type III school bus under this
3.14 subdivision.
- 3.15 (e) Operators shall submit to a physical examination as required by section 171.321,
3.16 subdivision 2, which must include drug and alcohol testing under section 181.951,
3.17 subdivision 3.
- 3.18 (f) An operator shall submit to random drug and alcohol testing, as requested or
3.19 required by the employer.
- 3.20 (g) The operator's driver's license is verified annually by the entity that owns, leases,
3.21 or contracts for the school bus.
- 3.22 (h) A person who sustains a conviction, as defined under section 609.02, of violating
3.23 section 169A.25, 169A.26, 169A.27, 169A.31, 169A.51, or 169A.52, or a similar statute
3.24 or ordinance of another state is precluded from operating a type III school bus for five
3.25 years from the date of conviction.
- 3.26 (i) A person who has ever been convicted of a disqualifying offense as defined in
3.27 section 171.3215, subdivision 1, paragraph (c), may not operate a type III school bus
3.28 under this subdivision.
- 3.29 (j) A person who sustains a conviction, as defined under section 609.02, of a fourth
3.30 moving offense in violation of chapter 169 is precluded from operating a type III school
3.31 bus for one year from the date of the last conviction.
- 3.32 (k) An operator who sustains a conviction as described in paragraph (g), (h), or (i)
3.33 while employed by the entity that owns, leases, or contracts for the school bus, shall report
3.34 the conviction to the employer within ten days of the date of the conviction.
- 3.35 (l) Students riding the type III school bus must have training required under section
3.36 123B.90, subdivision 2.

4.1 (m) Annual certification of the requirements listed in this subdivision must be
4.2 maintained under separate file at the business location for each type III school bus
4.3 operator. The business manager, school board, governing body of a nonpublic school, or
4.4 any other entity that owns, leases, or contracts for the type III school bus operating under
4.5 this subdivision is responsible for maintaining these files for inspection.

4.6 (n) The type III school bus must bear a current certificate of inspection issued under
4.7 section 169.451.

4.8 (o) An operator employed by a school or school district, whose normal duties do
4.9 not include operating a type III school bus, who holds a class D driver's license without a
4.10 school bus endorsement, may operate a type III school bus and is exempt from paragraphs
4.11 (d), (e), (f), and (k).

4.12 **EFFECTIVE DATE.** This section is effective September 1, 2008.

4.13 Sec. 4. Minnesota Statutes 2006, section 171.02, is amended by adding a subdivision
4.14 to read:

4.15 Subd. 2c. **Rulemaking.** The commissioner may adopt rules regarding the
4.16 qualifications and requirements for drivers of type III school buses.

4.17 **EFFECTIVE DATE.** This section is effective August 1, 2008.