

SENATE BILL NO. 318—SENATORS PARKS; AND MANENDO

MARCH 21, 2011

JOINT SPONSORS: ASSEMBLYMEN PIERCE;
AND OHRENSCHALL

Referred to Committee on Education

SUMMARY—Establishes provisions governing permissible flammability of certain components in school buses. (BDR 34-781)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to motor vehicles; establishing provisions for new school buses purchased on and after July 1, 2014, governing the permissible flammability of occupant seating and plastic components contained within the engine compartments of the school buses; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law establishes safety standards for school buses by setting forth the
- 2 required condition and equipment of those school buses. Under existing law, it is a
- 3 misdemeanor to violate a provision of law relating to the safety of school buses.
- 4 (NRS 392.400, 392.410, 394.190) This bill provides that new school buses which
- 5 are purchased on and after July 1, 2014, must meet certain enumerated standards
- 6 relating to: (1) the flammability of occupant seating; and (2) the flammability of
- 7 plastic components contained within the engine compartment.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

On and after January 1, 2014, with respect to any new school bus which is purchased by a school district to transport pupils, the school bus must meet the following standards in addition to being equipped as required by the regulations of the State Board:

1. Occupant seating within the school bus must be tested in accordance with either:

(a) The ASTM International Standard ASTM E1537, "Standard Test Method for Fire Testing of Upholstered Furniture"; or

(b) The School Bus Seat Upholstery Fire Block Test established by the National School Transportation Specifications and Procedures adopted at the most recent National Congress on School Transportation.

2. For the purposes of subsection 1, such testing must be conducted on a complete seat assembly inside a test room or school bus, and occupant seating shall be deemed to have failed the ASTM E1537 test or Fire Block Test, as applicable, if:

(a) The seat assembly exhibits a weight loss of 3 pounds or greater during the first 10 minutes of the test; or

(b) The seat assembly exhibits a heat release rate of 80 kilowatts or greater.

3. Each plastic component contained in the engine compartment of a new school bus which is purchased by a school district on and after July 1, 2014, to transport pupils must meet a V-0 classification when tested in accordance with the Underwriters Laboratories Inc. Standard 94, "the Standard for Safety of Flammability of Plastic Materials for Parts in Devices and Appliances testing."

Sec. 2. NRS 392.400 is hereby amended to read as follows:

392.400 1. All vehicles used in the transportation of pupils must be:

(a) In good condition and state of repair.

(b) Well equipped, and must contain sufficient room and seats so that the driver and each pupil being transported have a seat inside the vehicle. Each pupil shall remain seated when the vehicle is in motion.

(c) Inspected semiannually by the Department of Public Safety to ensure that the vehicles are mechanically safe and meet the minimum specifications established by the State Board. The Department of Public Safety shall make written recommendations to



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1 the superintendent of schools of the school district wherein any such
2 vehicle is operating for the correction of any defects discovered
3 thereby.

4 2. If the superintendent of schools fails or refuses to take
5 appropriate action to have the defects corrected within 10 days after
6 receiving notice of them from the Department of Public Safety, the
7 superintendent is guilty of a misdemeanor, and upon conviction
8 thereof may be removed from office.

9 3. Except as otherwise provided in subsection 4, all vehicles
10 used for transporting pupils must meet the specifications established
11 by regulation of the State Board.

12 4. ~~[Any]~~ *Except as otherwise provided in this subsection, any*
13 *bus which is purchased and used by a school district to transport*
14 *pupils to and from extracurricular activities is exempt from the*
15 *specifications adopted by the State Board if the bus meets the*
16 *federal safety standards for motor vehicles which were applicable at*
17 *the time the bus was manufactured and delivered for introduction in*
18 *interstate commerce. On and after January 1, 2014, any new*
19 *school bus which is purchased by a school district to transport*
20 *pupils must meet the standards set forth in section 1 of this act.*

21 5. Any person violating any of the requirements of this section
22 is guilty of a misdemeanor.

23 **Sec. 3.** NRS 392.410 is hereby amended to read as follows:

24 392.410 1. Except as otherwise provided in this subsection,
25 every school bus operated for the transportation of pupils to or from
26 school must be equipped with:

27 (a) A system of flashing red lights of a type approved by the
28 State Board and installed at the expense of the school district or
29 operator. Except as otherwise provided in subsection 2, the driver
30 shall operate this signal:

31 (1) When the bus is stopped to unload pupils.

32 (2) When the bus is stopped to load pupils.

33 (3) In times of emergency or accident, when appropriate.

34 (b) A mechanical device, attached to the front of the bus which,
35 when extended, causes persons to walk around the device. The
36 device must be approved by the State Board and installed at the
37 expense of the school district or operator. The driver shall operate
38 the device when the bus is stopped to load or unload pupils. The
39 installation of such a mechanical device is not required for a school
40 bus which is used solely to transport pupils with special needs who
41 are individually loaded and unloaded in a manner which does not
42 require them to walk in front of the bus. The provisions of this
43 paragraph do not prohibit a school district from upgrading or
44 replacing such a mechanical device with a more efficient and
45 effective device that is approved by the State Board.



2. A driver may stop to load and unload pupils in a designated area without operating the system of flashing red lights required by subsection 1 if the designated area:

(a) Has been designated by a school district and approved by the Department;

(b) Is of sufficient depth and length to provide space for the bus to park at least 8 feet off the traveled portion of the roadway;

(c) Is not within an intersection of roadways;

(d) Contains ample space between the exit door of the bus and the parking area to allow safe exit from the bus;

(e) Is located so as to allow the bus to reenter the traffic from its parked position without creating a traffic hazard; and

(f) Is located so as to allow pupils to enter and exit the bus without crossing the roadway.

3. In addition to the equipment required by subsection 1 and except as otherwise provided in subsection 4 of NRS 392.400, each school bus must ~~be~~:

(a) *Be* equipped and identified as required by the regulations of the State Board ~~H~~; and

(b) *If the bus is a new bus purchased by a school district on and after January 1, 2014, to transport pupils, meet the standards set forth in section 1 of this act.*

4. The agents and employees of the Department of Motor Vehicles shall inspect school buses to determine whether the provisions of this section concerning equipment and identification of the school buses have been complied with, and shall report any violations discovered to the superintendent of schools of the school district wherein the vehicles are operating.

5. If the superintendent of schools fails or refuses to take appropriate action to correct any such violation within 10 days after receiving notice of it from the Department of Motor Vehicles, the superintendent is guilty of a misdemeanor, and upon conviction must be removed from office.

6. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 4. NRS 394.190 is hereby amended to read as follows:

394.190 1. The provisions of NRS 392.400 and 392.410 relating to the condition, equipment and identification of vehicles used for the transportation of pupils apply to private schools.

2. *On and after January 1, 2014, with respect to any new school bus purchased to transport pupils, the standards for school buses set forth in section 1 of this act apply to private schools.*

3. All such vehicles are subject to inspection at all times by agents and employees of the Department of Motor Vehicles, who



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- 1 shall report any violations discovered thereby to the executive head
- 2 of the private school.
- 3 ~~13.1~~ 4. If the executive head of the private school fails or
- 4 refuses to take appropriate action to correct any such violation
- 5 within 10 days after receiving the report from the Department of
- 6 Motor Vehicles, the executive head is guilty of a misdemeanor.
- 7 **Sec. 5.** This act becomes effective on July 1, 2011.

