

Amendment No. 812

Senate Amendment to Assembly Bill No. 485 First Reprint

(BDR 43-36)

Proposed by: Senate Committee on Transportation

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DLJ/JRS



Date: 5/23/2017

A.B. No. 485—Makes various changes relating to school buses. (BDR 43-36)



ASSEMBLY BILL NO. 485—COMMITTEE ON TRANSPORTATION

MARCH 27, 2017

Referred to Committee on Transportation

SUMMARY—Makes various changes relating to school ~~buses;~~ vehicles.
(BDR 43-36)

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 school ~~buses;~~ vehicles; revising the definition of a school bus for certain purposes; authorizing a school district to lease school buses or vehicles belonging to the school district in certain circumstances; revising provisions relating to the inspection of school buses; requiring new school buses purchased on or after a certain date be equipped with safety belts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides a definition of a school bus for the purposes of certain laws regarding traffic laws and rules of the road. (NRS 484A.230) **Section 1** of this bill revises the definition of school bus to specify that such a vehicle must be “designed or used to carry more than 10 passengers in addition to the driver.” This definition more closely comports with the definition of a school bus in the Federal Motor Carrier Safety Regulations. (49 C.F.R. § 390.5)

Existing law provides various restrictions on and requirements for a school bus, including required evacuation drills, adoption of a safety program, driver qualifications and training, and standards for how a school bus used to transport pupils must be equipped. (NRS 386.790-386.845) **Section 2** of this bill provides that the revised definition of school bus in **section 1** applies to all such existing laws. The revised definition of school bus in **section 1** also applies to various other uses of the term throughout title 34 of NRS, regarding such topics as the use of transportation funds by a school district to purchase school buses, the extension of the safe and respectful learning environment to include school buses, the prohibition on bullying and cyber-bullying on school buses, the authorization procedures for a pupil to self-administer certain medications on a school bus and the provision for suspension or expulsion of a pupil for certain behaviors committed on a school bus. (NRS 386.795, 388.132, 388.135, 392.425, 392.466)

Sections ~~3.1~~ 3.2 and 4 of this bill require that any new school bus which is purchased by a school district on or after July 1, 2019, must be equipped with a shoulder-harness-type safety belt assembly for each permanent seating position for passengers. The safety belts must meet certain federal standards and specifications. **Section 6** of this bill imposes those same requirements on a private school which purchases a new school bus to transport pupils.

Existing law authorizes the board of trustees of a school district to allow school buses or vehicles belonging to the school district to be used for the transportation of public school pupils and children in certain circumstances. (NRS 386.790, 386.815)
Sections 3.4 and 3.6 of this bill authorize a board of trustees to enter into a written

agreement to lease school buses or vehicles belonging to the school district for special events taking place within the county in which the school district is located when a commercial bus is not reasonably available under certain circumstances. Section 3.4 also requires that any such agreement include provisions requiring the lessee to: (1) provide a security deposit; (2) pay a fee for the use of the school bus or vehicle; (3) accept responsibility for any damage to the bus or vehicle; (4) provide indemnification to the lessor school district and the school district's bus driver against any claim; (5) provide proof that each driver is licensed under the laws of this State and proof of insurance; (6) provide proof of a permit or other approval for the special event, if required by a governmental entity; (7) give preference to hiring a driver who is employed by the school district; and (8) acknowledge that the lessee is not entitled to the limitation on damages that applies to government employees and entities. (NRS 41.035) Additionally, section 3.4 limits the number of school buses and vehicles a school district may lease during any period of time to not more than 8.5 percent of the total number of school buses and vehicles belonging to that school district.

Under existing law, agents and employees of the Department of Motor Vehicles are required to inspect school buses to determine if the school buses comply with various equipment and identification requirements, and must report any violations to the superintendent of schools of the school district wherein the school buses are operating. (NRS 386.840) **Section 5** of this bill transfers those requirements to the Department of Public Safety.

Existing law provides that certain laws relating to the condition, equipment and identification of vehicles used for the transportation of pupils, including school buses, apply to private schools. (NRS 394.190) All such vehicles are subject to inspection at all times by the Department of Motor Vehicles, which is required to report any violation to the executive head of the private school. **Section 6** of this bill transfers those requirements to the Department of Public Safety.

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

Section 1. NRS 484A.230 is hereby amended to read as follows:

484A.230 1. "School bus" means every motor vehicle ~~owned~~ *which is designed or used to carry more than 10 passengers in addition to the driver and which is:*

(a) *Owned* by or under the control of a public or governmental agency or a private school and regularly operated for the transportation of children to or from school or a school activity; or ~~privately~~

(b) *Privately* owned and regularly operated for compensation for the transportation of children to or from school or a school activity.

2. "School bus" does not include ~~that~~:

(a) *A* passenger car operated under a contract to transport children to and from school ~~that~~;

(b) *A* common carrier or commercial vehicle under the jurisdiction of the Surface Transportation Board or the Nevada Transportation Authority when such vehicle is operated in the regular conduct of its business in interstate or intrastate commerce within the State of Nevada ~~that~~; or

(c) *A multifunction school activity bus whose purposes do not include transporting students to and from home or school bus stops.*

Sec. 2. NRS 385.007 is hereby amended to read as follows:

1. As used in this title, unless the context otherwise requires:

1. "Achievement charter school" means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to

1 a contract with the Achievement School District pursuant to NRS 388B.210 and
2 subject to the provisions of chapter 388B of NRS.

3 2. "Department" means the Department of Education.

4 3. "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

5 4. "Homeschooled child" means a child who receives instruction at home and
6 who is exempt from compulsory attendance pursuant to NRS 392.070, but does not
7 include an opt-in child.

8 ~~4. "Limited English proficient" has the meaning ascribed to it "English~~
9 ~~learner" in 20 U.S.C. § 7801(25). 7801(20)."~~

10 5. "Opt-in child" means a child for whom an education savings account has
11 been established pursuant to NRS 353B.850, who is not enrolled full-time in a
12 public or private school and who receives all or a portion of his or her instruction
13 from a participating entity, as defined in NRS 353B.750.

14 6. "Public schools" means all kindergartens and elementary schools, junior
15 high schools and middle schools, high schools, charter schools and any other
16 schools, classes and educational programs which receive their support through
17 public taxation and, except for charter schools, whose textbooks and courses of
18 study are under the control of the State Board.

19 7. "School bus" has the meaning ascribed to it in NRS 484A.230.

20 8. "State Board" means the State Board of Education.

21 ~~8-1~~ 9. "University school for profoundly gifted pupils" has the meaning
22 ascribed to it in NRS 388C.040.

23 **Sec. 3.** Chapter 386 of NRS is hereby amended by adding thereto ~~to a new~~
24 ~~section to read as follows:~~ the provisions set forth as sections 3.2 and 3.4 of this
25 act.

26 **Sec. 3.2.** 1. On and after July 1, 2019, with respect to any new school bus
27 which is purchased by a school district to transport pupils, the school bus must be
28 equipped with a shoulder-harness-type safety belt assembly for use in each
29 permanent seating position for passengers on the school bus.

30 2. Each shoulder-harness-type safety belt assembly required by subsection 1
31 must meet the applicable minimum standards and specifications which are set
32 forth in the Federal Motor Vehicle Safety Standards of the National Highway
33 Traffic Safety Administration of the United States Department of Transportation
34 and which are in effect on the date the school district purchases the school bus.

35 **Sec. 3.4.** 1. The board of trustees of a school district may, except as
36 otherwise provided in subsections 5 and 6, authorize the school district to enter
37 into a written agreement to lease school buses or vehicles belonging to the school
38 district for special events that take place within the county in which the school
39 district is located, provided that such an agreement will not interfere with or
40 prevent the school district from furnishing transportation for pupils for the
41 purposes described in NRS 386.790 and 386.815.

42 2. If a school district enters into an agreement pursuant to this section, the
43 agreement must include, without limitation, a provision requiring the lessee to:

44 (a) Provide a security deposit in an amount which is not less than 20 percent
45 of the estimated total amount of the fee set forth in the agreement;

46 (b) Pay a fee in an amount which is not less than the total cost per mile for
47 the use of a school bus or vehicle to the school district, as determined by the
48 transportation department of the school district, if the school district has such a
49 department, or by the board of trustees, if the school district does not have such a
50 department, and any additional costs or expenses related to the use of the school
51 bus or vehicle, including, without limitation, fuel, wear and tear, maintenance,
52 appropriate staffing, administrative costs and an additional rental service fee;

1 (c) Indemnify and hold the school district harmless against any claim,
2 demand, judgment or legal action, whatsoever, including, without limitation, any
3 losses, damages, legal costs or expenses incident thereto;

4 (d) Indemnify and hold the driver of a school bus or vehicle harmless against
5 any claim, demand, judgment or legal action, whatsoever, including, without
6 limitation, any losses, damages, legal costs or expenses incident thereto incurred
7 when acting in the scope of his or her employment;

8 (e) Accept responsibility for any damage to the school bus or vehicle while
9 leased as determined by the transportation department of the school district, if the
10 school district has such a department, or by the board of trustees, if the school
11 district does not have such a department;

12 (f) Provide proof that the school bus or vehicle leased will be operated by a
13 person licensed under the laws of this State to operate the particular type of bus
14 or vehicle leased;

15 (g) Provide proof of insurance which covers the school bus or vehicle while
16 operated by the lessee up to an amount determined by the transportation
17 department of the school district, if the school district has such a department, or
18 by the board of trustees, if the school district does not have such a department;

19 (h) Provide proof of a permit or other approval for the special event, if
20 required by a governmental entity;

21 (i) Give preference to a driver of a school bus or vehicle who is employed by
22 the school district before hiring another driver who is not employed by the school
23 district; and

24 (j) Acknowledge that by entering into such an agreement, the lessee does not
25 become an agent or employee of the school district and is not entitled to the
26 limitation on damages set forth in NRS 41.032 to 41.038, inclusive, for any act or
27 failure to act by the lessee or an agent or employee of the lessee.

28 3. Except as otherwise provided in this subsection, whenever any school bus
29 or vehicle belonging to a school district is leased, any lettering on the school bus
30 or vehicle designating the vehicle as a school bus or vehicle must be covered and
31 concealed, no signs or wording may be affixed to the school bus or vehicle and
32 any system of flashing red lights or a mechanical device attached to the front of
33 the school bus or vehicle must not be used in the operation of the school bus or
34 vehicle by the lessee except in the case of an emergency. A system of flashing red
35 lights or a mechanical device attached to the front of the school bus or vehicle
36 may be used in the operation of a school bus or vehicle only during an
37 emergency.

38 4. A school district shall separately account for any money collected as a
39 result of an agreement to lease a school bus or vehicle which exceeds the actual
40 cost to the school district and, except as otherwise provided in this subsection,
41 such money may be used at the discretion of the school district. A school district
42 may not use any money collected as a result of an agreement to lease a school bus
43 or vehicle to:

44 (a) Settle or arbitrate disputes between a recognized organization
45 representing employees of the school district and the school district, or to settle
46 any negotiations; or

47 (b) Adjust the district-wide schedules of salaries and benefits of the
48 employees of the school district.

49 5. A school district may not enter into an agreement pursuant to this
50 section;

51 (a) For special events that take place outside the county in which the school
52 district is located.

(b) If the school district determines that transportation by a commercial bus is reasonably available for a special event.

6. A school district may not lease during any period of time more than 8.5 percent of the total number of school buses and vehicles belonging to the school district.

7. For the purposes of this section, "special event" means an event or series of events that does not take place during the regular school day and is not an interscholastic contest, school festival or other activity properly a part of a school program.

Sec. 3.6. NRS 386.815 is hereby amended to read as follows:

386.815 1. A board of trustees of a school district may permit school buses or vehicles belonging to the school district to be used for the transportation of public school pupils to and from:

- (a) Interscholastic contests;
- (b) School festivals; or
- (c) Other activities properly a part of a school program.

2. In addition to the use of school buses and vehicles authorized pursuant to subsection 1, the board of trustees of a school district may permit school buses and vehicles belonging to the school district to be used for the transportation of children to and from:

- (a) Programs for the supervision of children before and after school; and
- (b) Other programs or activities that the board of trustees deems appropriate, regardless of whether such programs or activities are part of a school program.

3. The use of school buses or vehicles belonging to the school district for the purposes enumerated in subsections 1 and 2 is governed by regulations made by the board of trustees, which must not conflict with regulations of the State Board. Proper supervision for each vehicle so used must be furnished by school authorities, and each school bus must be operated by a driver qualified under the provisions of NRS 386.790 to 386.840, inclusive, and section 3.4 of this act.

4. A driver shall not operate a vehicle for the purposes enumerated in subsections 1 and 2 for more than 10 hours in a 15-hour period. The time spent operating, inspecting, loading, unloading, repairing and servicing the vehicle and waiting for passengers must be included in determining the 15-hour period. After 10 hours of operating a vehicle, the driver must rest for 10 hours before he or she again operates a vehicle for such purposes.

5. Before January 1, 1984, the State Board shall adopt regulations to carry out the provisions of subsection 4.

Sec. 4. NRS 386.830 is hereby amended to read as follows:

386.830 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~~

2. Each school bus must be 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 the superintendent of schools of the school district wherein any such vehicle is operating for the correction of any defects discovered thereby.

~~2.~~ 3. If the superintendent of schools fails or refuses to take appropriate action to have the defects corrected within 10 days after receiving notice of them

1 from the Department of Public Safety, the superintendent is guilty of a
2 misdemeanor, and upon conviction thereof may be removed from office.

3 ~~4.4~~ 4. Except as otherwise provided in subsection ~~4.4~~ 5, all vehicles used for
4 transporting pupils must meet the specifications established by regulation of the
5 State Board.

6 ~~4.4~~ 5. Except as otherwise provided in subsection ~~4.4~~ 6, any bus which is
7 purchased and used by a school district to transport pupils to and from
8 extracurricular activities is exempt from the specifications adopted by the State
9 Board if the bus meets the federal safety standards for motor vehicles which were
10 applicable at the time the bus was manufactured and delivered for introduction in
11 interstate commerce.

12 ~~4.4~~ 6. Any new school bus which is purchased by a school district to
13 transport pupils must meet the standards set forth in:

14 (a) Subsection 1 of NRS 386.835 if the school bus is purchased on or after
15 January 1, 2016; ~~and~~

16 (b) Subsection 2 or 3 of NRS 386.835 if the school bus is purchased on or after
17 July 1, 2016 ~~and~~ ; and

18 *(c) Section ~~4.4~~ 3.2 of this act if the school bus is purchased on or after July 1,*
19 *2019.*

20 ~~4.4~~ 7. Any person violating any of the requirements of this section is guilty
21 of a misdemeanor.

22 **Sec. 5.** NRS 386.840 is hereby amended to read as follows:

23 386.840 1. Except as otherwise provided in this subsection, every school
24 bus operated for the transportation of pupils to or from school must be equipped
25 with:

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

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

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

31 (3) In times of emergency, accident or motor vehicle crash, when
32 appropriate.

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

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

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

47 (b) Is of sufficient depth and length to provide space for the bus to park at least
48 8 feet off the traveled portion of the roadway;

49 (c) Is not within an intersection of roadways;

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

52 (e) Is located so as to allow the bus to reenter the traffic from its parked
53 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 ~~44~~ 5 of NRS 386.830, each school bus must:

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

(b) If the bus is a new bus purchased by a school district to transport pupils, meet the standards set forth in:

(1) Subsection 1 of NRS 386.835 if the bus is purchased on or after January 1, 2016; ~~and~~

(2) Subsection 2 or 3 of NRS 386.835 if the bus is purchased on or after July 1, 2016 ~~;~~ **and**

(3) Section ~~44~~ 3.2 of this act if the bus is purchased on or after July 1, 2019.

4. The ~~agents and employees of the~~ Department of ~~Motor Vehicles~~ **Public Safety** 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~~ **Public Safety**, 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. 6. NRS 394.190 is hereby amended to read as follows:

394.190 1. The provisions of NRS 386.830 and 386.840 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, 2016, ~~for~~ July 1, 2016, **or July 1, 2019**, as applicable, with respect to any new school bus purchased to transport pupils, the standards for school buses set forth in:

(a) Subsection 1 of NRS 386.835; ~~and~~

(b) Subsection 2 or 3 of NRS 386.835 ~~;~~ **and**

(c) Section ~~44~~ 3.2 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~~ **Public Safety**, who shall report any violations discovered thereby to the executive head of the private school.

4. If the executive head of the private school fails or refuses to take appropriate action to correct any such violation within 10 days after receiving the report from the Department of ~~Motor Vehicles~~ **Public Safety**, the executive head is guilty of a misdemeanor.

Sec. 7. This act becomes effective ~~on July 1, 2017;~~ **upon passage and approval.**