

BILL ANALYSIS

Senate Research Center

H.B. 3249
By: Hawley (Luna)
Education
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Engrossed

DIGEST

S.B. 1, enacted during the 74th Legislative Session, affected several areas of school bus transportation for public school children in Texas. This bill replaced the Texas Education Agency with the Department of Public Safety (DPS) as the agency in charge of school bus driver eligibility requirements and training, and granted public schools the authority to purchase school buses through a direct competitive bidding process instead of being required to purchase them through the General Services Commission (GSC). In addition, GSC was directed to establish safety standards for school motor vehicles with the advice of DPS. Finally, criminal record checks for public school employees and volunteers were made discretionary, but criminal record checks were made mandatory for school bus drivers employed by a transportation contractor.

H.B. 3249 clarifies current laws affecting school bus transportation. This legislation requires criminal record checks for all school bus drivers; clarifies the requirements regarding the driver history record and exam; includes definitions in the Education Code for clarity; creates a new statute for school bus crossing procedures at highway-rail grade crossings; clarifies the law regarding motorists passing school buses loading and unloading; provides DPS with the sole authority to adopt safety standards for school buses and to inspect school buses for compliance in order to maintain a minimum safety standard; and requires school bus drivers to have their School Bus Driver Safety Education Certification Card in their possession while transporting students.

PURPOSE

As proposed, H.B. 3249 establishes provisions regarding school buses; and provides penalties.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Department of Public Safety in SECTIONS 8, 15, and 16 (Sections 521.022(c), 547.701(d), and 547.7015, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 22.084, Education Code, as follows:

Sec. 22.084. New heading: ACCESS TO CRIMINAL HISTORY RECORDS OF SCHOOL BUS DRIVERS, BUS MONITORS, AND BUS AIDES. Authorizes a commercial transportation company that contracts with certain entities to provide transportation services to obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person employed by the company as a bus driver, bus monitor, or bus aide; or the person the company intends to employ as such. Prohibits a company from employing a person to drive or to serve as a bus monitor or bus aide without the permission of certain entities if the company obtains information that a person employed or to be employed by the company has been convicted of a felony or misdemeanor involving moral turpitude, with certain exceptions. Makes conforming changes.

SECTION 2. Amends Chapter 34, Education Code, by adding Section 34.0005, as follows:

Sec. 34.0005. DEFINITIONS. Defines "commercial transportation company," "mass transit authority," "motor bus," "motor bus company," "passenger van," and "school-chartered bus."

SECTION 3. Amends Section 34.002, Education Code, to require the Department of Public Safety (DPS), with the advice of the General Services Commission (GSC) and the Texas Education Agency (TEA), to establish safety standards for school buses, rather than motor vehicles, used to transport students in accordance with Section 547.7015, Transportation Code, rather than Section 105, Article 6701d, V.T.C.S. Requires each school district to meet or exceed the safety standards for school buses established under Subsection (a). Deletes existing text requiring the school district to comply with the safety standard for motor vehicles established by GSC. Makes conforming changes.

SECTION 4. Amends Section 34.003, Education Code, to require school buses to be used for the transportation of students to and from schools on routes, rather than school bus routes, having 10 or more students. Provides that to transport students in connection with school activities other than on routes to and from school, only school buses or motor buses may be used to transport 15, rather than 10, or more students in any one vehicle; and passenger cars or vans may be used to transport fewer than 15, rather than 10, students. Makes a conforming change.

SECTION 5. Amends Section 34.004, Education Code, to make a conforming change.

SECTION 6. Amends Section 34.008, Education Code, to authorize a board of county school trustees or school district board of trustees to contract with a mass transit authority or a commercial transportation company for all or any part of a district's public school transportation if the authority or company requires its school bus drivers to have certain qualifications and uses only certain school buses. Requires a mass transit authority, rather than a transit authority or a commercial transportation company, contracting under this section for daily transportation of certain students, to conduct certain educational programs. Deletes the definition for "transit authority."

SECTION 7. Amends Section 34.009(b), Education Code, to require a school bus that is leased or leased with an option to purchase to meet or exceed the safety standards for school buses established under Section 547.7015, Transportation Code, rather than Section 34.002, Education Code.

SECTION 8. Amends Section 521.022, Transportation Code, to prohibit a person under 18 years of age from operating a school bus for the transportation of students. Provides that a person who is under 18 years or older from operating a school bus unless the person holds an appropriate class of driver's license, for the vehicle being operated. Prohibits a person from operating a school bus for the transportation of students unless the person meets the mental and physical requirements that the (DPS) establishes, by rule, and has passed an examination approved by the department. Prohibits a person from operating a school bus for the transportation of students unless the person's driving record is acceptable according to minimum standards adopted by DPS. Requires a check of the person's driving record to be made with the department annually. Prohibits a person from operating a school bus for the transportation of students unless the person is certified in school bus safety education or has enrolled in a school bus safety education class under provisions adopted by the department. Requires a school bus operator to hold a card, rather than certificate, effective on the date and under provisions determined by DPS, rather than the State Board of Education. Requires an employer, before a person is employed to operate a school bus to transport students, to obtain a criminal history record check. Prohibits certain persons that obtain information that a person has been convicted of a felony or misdemeanor involving moral turpitude from employing the person to drive a school bus on which students are transported unless the employment is approved by the board of trustees of the school district or the board's designee. Defines "commercial transportation company." Make conforming and nonsubstantive changes.

SECTION 9. Amends Chapter 521B, Transportation Code, by adding Section 521.0225, as follows:

Sec. 521.0225. SCHOOL BUS SAFETY EDUCATION CERTIFICATION CARD. Sets forth regulations regarding a school bus safety education certification card.

SECTION 10. Amends Sections 541.201(3), (12), and (15), to redefine "bus," "passenger car," and "school bus."

SECTION 11. Amends Section 545.066, Transportation Code, by amending Subsection (a)

and adding Subsection (f), to provide that for purposes of this section a highway is considered to have separate roadways only if the highway has roadways separated by an intervening space on which operation of vehicles is not permitted, a physical barrier, or a clearly indicated dividing section constructed to impede vehicular traffic; and a highway is not considered to have separate roadways if the highway has roadways separated only by a left turn lane. Makes a conforming change.

SECTION 12. Amends Section 545.253(a), Transportation Code, to make a conforming change.

SECTION 13. Amends Chapter 545F, Transportation Code, by adding Section 545.2535, as follows:

Sec. 545.2535. SCHOOL BUSES TO STOP AT ALL RAILROAD GRADE CROSSINGS. Sets forth regulations requiring school buses to stop at all railroad grade crossings.

SECTION 14. Amends Chapter 545I, Transportation Code, by adding Section 545.424, as follows:

Sec. 545.424. ITEMS TRANSPORTED ON CERTAIN BUSES USED TO TRANSPORT STUDENTS. Sets forth regulations regarding items transported on certain buses used to transport students.

SECTION 15. Amends Section 547.701, Transportation Code, by amending Subsections (b) and (c) and adding Subsection (d), as follows:

(b) Authorizes a school bus to be equipped with, rooftop warning lamps that conform to and are placed on the bus in accordance with specifications adopted under Section 547.7015, rather than Section 11.12, Education Code; among other requirements. Makes conforming and nonsubstantive changes.

(c) Requires the operator of the bus, when a school bus is being stopped or is stopped on a highway to permit students to board or exit the bus, to activate all flashing warning signal lights and other equipment on the bus designated to warn other drivers that the bus is stopping to load or unload children. Prohibits a person from operating such a light or other equipment except when the bus is being stopped or is stopped on a highway to permit students to board or exit the bus. Deletes existing Subsection (c), relating to the activation of certain warning equipment by the bus operator.

(d) Prohibits the exterior of a school bus from bearing advertising or another paid announcement directed at the public if the advertising or announcement distracts from the effectiveness of required safety warning equipment. Requires DPS to adopt rules to implement this subsection. Provides that a school bus that violates this section or rules adopted under this section to be placed out of service until it complies.

SECTION 16. Amends Chapter 547L, Transportation Code, by adding Section 547.7015, as follows:

Sec. 547.7015. RULES RELATING TO SCHOOL BUSES. Requires DPS, with the advice of GSC and TEA, to adopt, and DPS to enforce, rules regarding safety standards for certain school buses governing the design, color, lighting and other equipment, construction, and operation of a school bus for the transportation of students. Sets forth the requirements for the rules. Sets forth the application of the rules adopted under this section. Requires a school bus to continue to meet or exceed the safety standards applicable to the bus for the year it was manufactured. Authorizes DPS to inspect a school bus to enforce the rules. Requires a bus that does not comply with the safety standards to be placed out of service.

SECTION 17. Amends Section 411.097, Government Code, as follows:

Sec. 411.097. New heading: ACCESS TO CRIMINAL HISTORY RECORD

INFORMATION: SCHOOL DISTRICT, CHARTER SCHOOL, PRIVATE SCHOOL, REGIONAL EDUCATION SERVICE CENTER, COMMERCIAL TRANSPORTATION COMPANY, OR EDUCATION SHARED SERVICES ARRANGEMENT. (a) Provides that a commercial transportation company, among others, is entitled to obtain from DPS criminal history record information maintained by DPS that the district, school, service center, or shared services arrangement is required or authorized to obtain under Chapter 22C, Education Code, that relates to a certain person, among others, who is employed or is seeking employment as a bus monitor aid one a bus in which students are transported. Makes conforming changes.

SECTION 18. (a) Provides that in addition to the substantive changes in law made by this Act, this Act conforms the Transportation Code to changes in law made by Sections 55 and 56, Chapter 260, and Section 25, Chapter 1009, Acts of the 74th Legislature, Regular Session, 1995.

(b) Provides that to the extent of any conflict, this Act prevails over another Act of the 75th Legislature, Regular Session, 1997, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 19. Effective date: September 1, 1997.

SECTION 20. Emergency clause.