

## BILL ANALYSIS

Senate Research Center  
78R5765 MTB-D

H.B. 3041  
By: Cook, Robby (Shapleigh)  
Education  
5/21/2003  
Engrossed

### DIGEST AND PURPOSE

Currently, the Texas Building and Procurement Commission (TBPC), formerly the General Services Commission, shares authority with the Texas Department of Public Safety and the Texas Education Agency for establishing safety standards for school buses. Specifically, TBPC has the authority to adopt and enforce rules governing the design, color, lighting and other equipment, construction, and operation of school buses. H.B. 3041 designates the Department of Public Safety as the primary agency charged with school bus safety standards.

### RULEMAKING AUTHORITY

Rulemaking authority is transferred from the General Services Commission [Texas Building and Procurement Commission] to the Department of Public Safety in SECTION 2 (Section 547.7015, Transportation Code) of this bill.

Provides that rules that were adopted under Section 547.7015, Transportation Code, before the effective date of this Act and that are in effect on the effective date of this Act are continued in effect as rules of the Department of Public Safety until the rules are amended, repealed, or superseded by an action of the Department of Public Safety, in SECTION 3 of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 34.002(a), Education Code, to require the Department of Public Safety (DPS), with the advice of the Texas Education Agency, rather than of the General Services Commission (GSC) [Texas Building and Procurement Commission], to establish safety standards for school buses used to transport students in accordance with Section 34.003, rather than 34.002, Education Code.

SECTION 2. Amends Sections 547.7015(a) and (b), Transportation Code, as follows:

- (a) Requires DPS, rather than GSC with the advice of DPS, to adopt and enforce rules governing the design, color, lighting and other equipment, construction, and operation of a school bus for the transportation of schoolchildren that is:
  - (1) owned and operated by a school district in this state; or
  - (2) privately owned and operated under a contract with a school district in this state.
  
- (b) Requires DPS, rather than GSC, in adopting rules under this section, to emphasize:
  - (1) safety features; and
  - (2) long-range, maintenance-free factors.

SECTION 3. Provides that rules that were adopted under Section 547.7015, Transportation Code, before the effective date of this Act and that are in effect on the effective date of this Act are continued in effect as rules of DPS until the rules are amended, repealed, or superseded by an action of DPS.

SECTION 4. Effective date: upon passage or September 1, 2003.