

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3190
By: Giddings (Carona)
Transportation & Homeland Security
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recent statistics have shown that at least 1.4 million students rely on school buses for their chosen mode of transportation to and from school and school events. In addition, the number of buses in operation in Texas have increased by 18 percent since the early 1990's from 28,334 buses to 33,642 buses. Given the number of children served and the increase in bus service for those children, certain statutory changes may be necessary to further ensure bus safety.

C.S.H.B. 3190 prohibits persons who have committed offenses such as vehicular manslaughter, driving under the influence, and leaving the scene of an accident from operating a school bus for 10 years after said offense.

This bill defines "multifunction school activity bus" and prohibits this type of bus from being painted National School Bus Glossy Yellow in order to differentiate between multifunction school activity buses and regular school buses so that schools know which of these buses are safe for certain situations.

This bill requires school bus operators to wear seat belts if the operator's seat is equipped with such.

This bill prohibits the operation of a school bus if the number of persons inside the bus exceeds the manufacturer's design capacity for the vehicle or if the bus' door is open, and authorizes a school bus operator to prohibit a passenger from standing or sitting on the floor of a bus or anywhere that is not a seat for the promotion of safety and comfort on a school bus.

This bill requires a school bus evacuation training program and requires a school district to train all of its students and teaching staff in the process of emergency school bus evacuation at least twice a year. The bill sets forth the specifications of the training and requires that a record of the training be reported to the Department of Public Safety within 30 days of its completion

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Public Safety in SECTION 5 (Section 545.426, Transportation Code) and SECTION 7 (Section 34.013, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 521.022(d), Transportation Code, to require the minimum standards adopted by the Department of Public Safety that a person must meet to operate a school bus for the transportation of students to provide that the person's driving record is not acceptable if the person has been convicted of an offense under Section 49.04 (Driving While Intoxicated), 49.045 (Driving While Intoxicated with Child Passenger), 49.07 (Intoxication Assault), or 49.08 (Intoxication Manslaughter), Penal Code, within the 10-year period preceding the date of the check of the person's driving record.

SECTION 2. Amends Section 541.201, Transportation Code, by adding Subdivision (11-a) to define "multifunction school activity bus" and amending Subdivision (15) to redefine "school activity bus."

SECTION 3. Amends Section 545.001, Transportation Code, to define "school bus" and to make conforming changes.

SECTION 4. Amends Section 545.413(a), Transportation Code, to provide that a person commits an offense by not being secured by the safety belt of the operator's seat if the person is the operator of a school bus. Makes conforming changes.

SECTION 5. Amends Subchapter I, Chapter 545, Transportation Code, by adding Section 545.426, as follows:

Sec. 545.426. OPERATION OF SCHOOL BUS. (a) Prohibits a person from operating a school bus if the door of the bus is open or the number of passengers on the bus is greater than the manufacturer's design capacity for that bus.

(b) Requires a school bus operator, while operating the school bus, to prohibit a passenger from standing in the bus, or sitting on the floor of the bus or in any location on the bus that is not designed as a seat.

(c) Authorizes the Department of Public Safety (DPS) to adopt rules as necessary to administer and enforce this section.

SECTION 6. Amends Subchapter L, Chapter 547, Transportation Code, by adding Section 547.7012, as follows:

Sec. 547.7012. REQUIREMENTS FOR MULTIFUNCTION SCHOOL ACTIVITY BUSES. Prohibits a multifunction school activity bus from being painted National School Bus Glossy Yellow.

SECTION 7. Amends Chapter 34, Education Code, by adding Section 34.0021, as follows:

Sec. 34.0021. SCHOOL BUS EMERGENCY EVACUATION TRAINING. (a) Requires each school district to conduct a training session for students and teachers concerning procedures for evacuating a school bus in an emergency pursuant to the safety standards established by DPS under Section 34.002 (Safety Standards).

(b) Requires a school district to conduct such training at least twice each school year, once in the fall and once in the spring. Requires the session to occur on a school bus and last for least a half an hour.

(c) Requires such training to be based on the recommendations of the most recent edition of the National School Transportation Specifications and Procedures, as adopted by the National Congress on School Transportation, or a similar school transportation safety manual.

(d) Requires a district to provide DPS with a record certifying the district's completion of the training not later than the 30th day after the date a district completes a training session.

(e) Authorizes DPS to adopt rules necessary to implement this section.

SECTION 8. Makes application of Section 34.0021, Education Code, as added by this Act, prospective to the 2007-2008 school year.

SECTION 9. Effective date: September 1, 2007.