

SCHOOL BUS SAFETY

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Neal B. Hendrickson

AN ACT RELATING TO PUBLIC SAFETY; PROVIDING THAT A SCHOOL DISTRICT OR A PRIVATE SCHOOL MAY PERFORM A SAFETY INSPECTION OF A SCHOOL BUS IN ACCORDANCE WITH RULES MADE BY THE UTAH HIGHWAY PATROL DIVISION; PROVIDING FOR AN AUDIT OF SCHOOL BUS SAFETY OPERATIONS OF A DISTRICT OR PRIVATE SCHOOL THAT PERFORMS A SCHOOL BUS SAFETY INSPECTION; AND PROVIDING THAT VEHICLES WITH SAFETY DEFECTS MAY NOT BE OPERATED UNTIL THE DEFECTS HAVE BEEN CORRECTED.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53-8-211, as renumbered and amended by Chapter 234, Laws of Utah 1993

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53-8-211** is amended to read:

53-8-211. Safety inspection of school buses and other vehicles.

(1) (a) The Highway Patrol shall:

(i) perform safety [~~inspect~~] inspections at least twice each school year on all school buses operated by [~~the~~] each school [~~districts~~] district and each private [~~schools of~~] school in the state for the transportation of students, except as otherwise provided in Subsection (1)(b); and

(ii) cause to be removed from the public highways any vehicle found to have mechanical or other defects under Subsection (1)(a) endangering the safety of passengers and the public until the defects have been [~~remedied~~] corrected.

(b) (i) A school district or private school may perform ~~h~~ **THE** ~~h~~ safety ~~h~~ **INSPECTIONS** ~~h~~ of a school bus that it operates in accordance with rules made by the division under Title 63, Chapter 46a, Utah Administrative Rule Making Act, and after consultation with the State Board of Education.

28 (ii) The rules under Subsection(b)(i) shall include provisions for:
 29 (A) maintaining school bus § [drivers] DRIVERS' § hours of service records;
 30 (B) requiring school bus drivers to maintain vehicle condition reports;
 31 (C) maintaining school bus maintenance and repair records; and
 32 (D) validating that defects discovered during the inspection process have been corrected
 33 prior to returning a school bus to service.

34 (iii) § (A) § The division shall audit school bus safety operations of each school district and private
 35 school performing inspections under Subsection (b)(i) to ensure compliance with the rules made
 36 under that subsection.

36a **§ (B) THE AUDIT MAY INCLUDE BOTH A FORMAL EXAMINATION OF THE DISTRICT'S OR**
 36b **SCHOOL'S INSPECTION RECORDS AND A RANDOM PHYSICAL INSPECTION OF BUSES THAT HAVE**
 36c **BEEN SAFETY INSPECTED BY THE DISTRICT OR THE SCHOOL.**

36d **(iv) A SCHOOL DISTRICT OR SCHOOL MUST HAVE A COMPREHENSIVE SCHOOL BUS**
 36e **MAINTENANCE PLAN APPROVED BY THE DIVISION IN ORDER TO PARTICIPATE IN THE SAFETY**
 36f **INSPECTION PROGRAM. §**

37 § [(iv)] (v) § A school district or private school may not operate any vehicle found to have
 38 mechanical or other defects that would endanger the safety of passengers and the public until the
 39 defects have been corrected.

40 (2) Motor vehicles operated by private schools or school districts, and not used for the
 41 transportation of students, are subject to Section 53-8-205.

Legislative Review Note
as of 12-17-98 4:03 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel