

SCHOOL BUS SAFETY INSPECTION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill amends provisions related to the safety inspection of school buses.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to the safety inspection of school buses by:
 - removing some requirements of annual inspections by the Highway Patrol;
 - shifting inspection responsibilities to the relevant education entity;
 - requiring the Highway Patrol to perform random safety inspections and verify corrective measures have been taken; and
- requiring the publication of safety inspection information; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53-8-211, as last amended by Laws of Utah 2017, Chapter 145

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.

30 (1) For purposes of this section and Section 53-8-211.5, "education entity" means:

31 (a) a school district;

32 (b) a charter school;

33 (c) a private school; and

34 (d) the Utah Schools for the Deaf and the Blind.

35 (2) (a) A school bus operated by an education entity in this state is required to pass a
36 safety inspection annually~~[and the Highway Patrol shall:]~~.

37 ~~[(i) perform safety inspections at least once each school year on all school buses
38 operated by each education entity in the state for the transportation of students, except as
39 otherwise provided in Subsection (2)(b);]~~

40 ~~[(ii) annually, at a time during the school year other than the time of the inspection
41 described in Subsection (2)(a)(i), perform safety inspections on 20% of the school buses
42 operated by an education entity, selected randomly, except as otherwise provided in Subsection
43 (2)(b); and]~~

44 ~~[(iii) cause to be removed from the public highways any vehicle found to have
45 mechanical or other defects under this Subsection (2)(a) endangering the safety of passengers
46 and the public until the defects have been corrected.]~~

47 (b) (i) An education entity [~~may~~] shall perform the safety inspections of a school bus
48 that it operates in accordance with rules made by the division under Title 63G, Chapter 3, Utah
49 Administrative Rulemaking Act~~[-, and after consultation with the State Board of Education]~~.

50 (ii) The rules under Subsection (2)(b)(i) shall include provisions for:

51 (A) maintaining school bus drivers' hours of service records;

52 (B) requiring school bus drivers to maintain vehicle condition reports;

53 (C) maintaining school bus maintenance and repair records; and

54 (D) validating that defects discovered during the inspection process have been

55 corrected prior to returning a school bus to service.

56 (iii) (A) The division shall audit school bus safety operations of each education entity
57 performing inspections under Subsection (2)(b)(i) to ensure compliance with the rules made

58 under Subsection (2)(b)(i).

59 (B) The audit may include both a formal examination of the education entity's
60 inspection records and a random physical inspection of buses that have been safety inspected
61 by the education entity.

62 (iv) An education entity must have a comprehensive school bus maintenance plan
63 approved by the division in order to participate in the safety inspection program.

64 (v) An education entity may not operate any vehicle found to have mechanical or other
65 defects that would endanger the safety of passengers and the public until the defects have been
66 corrected.

67 (3) In addition to a safety inspection required under Subsection (2)(b), the Highway
68 Patrol shall:

69 (a) perform random safety inspections:

70 (i) annually on a minimum of 20% of the school buses operated by an education entity;

71 and

72 (ii) on 100% of school buses operated by an education entity when inspections
73 conducted pursuant to Subsection (3)(a)(i) result in an out-of-service failure rate as determined
74 by the division;

75 (b) verify that defects discovered during an inspection under Subsection (3)(a) have
76 been corrected; and

77 (c) make publicly available the results of inspections performed under Subsection
78 (3)(a).

79 [~~3~~] (4) Motor vehicles operated by an education entity, and not used for the
80 transportation of students, are subject to Section 53-8-205.

81 Section 2. **Effective date.**

82 This bill takes effect on January 1, 2021.