

LEGISLATIVE BILL 36

Approved by the Governor February 6, 2001

Introduced by Thompson, 14; Chambers, 11; Aguilar, 35

AN ACT relating to schools; to amend section 79-602, Revised Statutes Supplement, 2000; to change provisions relating to inspection of pupil transportation vehicles; to eliminate a penalty; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 79-602, Revised Statutes Supplement, 2000, is amended to read:

79-602. All school boards, the governing authorities of any nonpublic schools in this state, and all independent contractors who or which provide student transportation services for such boards and governing authorities and for military installations shall cause all pupil transportation vehicles used for the transportation of students to be inspected before school opens in the fall and each eighty days during that part of the year when school is in session by a motor vehicle mechanic appointed by the board or governing authority having jurisdiction over such students, except that any pupil transportation vehicle that has been inspected under rules and regulations of the Public Service Commission shall be exempted from the provisions of this section. The mechanic shall thoroughly inspect every vehicle used for the transportation of students as to brakes, lights, windshield wipers, window glass, tires, doors, heaters, defrosting equipment, steering gear, exhaust system, and the mechanical condition of every part of such pupil transportation vehicle to ensure compliance with the minimum allowable safety criteria established pursuant to section 79-607 and subdivision (13) of section 79-318. Within five days after such inspection, the mechanic shall make a report of his or her inspection in writing on regular forms provided by the State Department of Education which shall show if the vehicle met the minimum allowable safety criteria for use. Any item not meeting such criteria shall be brought into compliance prior to the vehicle being used to transport students. One copy of the mechanic's report shall be filed with the board or governing authority and, if the school contracts with an independent contractor to provide transportation services, one copy with the independent contractor. The chief administrative officer of each school district shall annually certify, by a written verification statement, to the State Department of Education that the inspections required pursuant to this section have been performed. Such verification statement shall be sent to the department no later than July 31. ~~The chief administrative officer or chairperson of the board, the governing authority, or the independent contractor shall, upon request, make available the mechanic's inspection reports for each vehicle used for the transportation of students to the Nebraska State Patrol inspector when the annual school vehicle safety equipment inspections are conducted.~~

~~All such boards, governing authorities, and independent contractors shall also cause such pupil transportation vehicles used for the transportation of students to be safety inspected at least once during each calendar year by the Nebraska State Patrol or the patrol's carrier enforcement division to ensure compliance with the minimum allowable safety criteria prescribed in section 79-607 and subdivision (13) of section 79-318. Upon successful completion of such inspection, an approval sticker shall be placed by the inspector on the windshield as specified by the rules and regulations established pursuant to subdivision (13) of section 79-318, and within five days after such inspection the Nebraska State Patrol or the division shall make a report of its inspection in writing and file one copy of such report with the board, the governing authority, or the independent contractor and file one copy with the State Department of Education. If any inspection required by this section discloses any equipment not in compliance with the minimum allowable safety criteria, the pupil transportation vehicle shall immediately be removed from service until the defects are corrected to the satisfaction of a Nebraska State Patrol or division inspector.~~

~~All such boards, governing authorities, and independent contractors shall also cause each pupil transportation vehicle used for the transportation of students to be inspected by the Nebraska State Patrol or the patrol's carrier enforcement division for compliance with minimum equipment standards established pursuant to section 79-607 and subdivision (13) of section 79-318 prior to being placed into service for the first time in the State of~~

~~Nebraska. After such inspection a one-time minimum equipment standards sticker shall be placed by the inspector on the windshield as specified by the rules and regulations established pursuant to subdivision (13) of section 79-318 if the pupil transportation vehicle meets such minimum standards. If the inspection reveals any equipment on the pupil transportation vehicle that is not in compliance with such minimum equipment standards, the vehicle shall not be put into service until such deficiencies are corrected and a minimum equipment standards sticker is placed on such vehicle. Failure to remove pupil transportation vehicles from service due to noncompliance with minimum safety or minimum equipment standards shall constitute a Class V misdemeanor, and conviction for such offense shall be grounds for dismissal of any employee.~~

In addition to the inspection requirements prescribed in this section, the driver of each pupil transportation vehicle shall make daily inspections of such vehicle to ensure that all lights and equipment are fully operational or repaired before his or her daily route. Reports of such daily inspections shall be kept by the driver in the vehicle and filed weekly with the head mechanic or administrator in charge of the transportation system. If the inspection reveals any significant defect in the lights or equipment, the driver shall immediately report the defect to the head mechanic or administrator in charge of the transportation system.

Sec. 2. Original section 79-602, Revised Statutes Supplement, 2000, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.