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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4174

03/05/2020 Authored by Jordan and Youakim

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act
1.2 relating to public safety; requiring certain bus operators to make certain disclosures
1.3 to employers and possess proof of physical qualifications to operate school buses;
1.4 amending Minnesota Statutes 2018, section 171.02, subdivisions 2a, 2b.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 171.02, subdivision 2a, is amended to read:

1.7 Subd. 2a. **Exception for certain school bus drivers.** Notwithstanding subdivision 2,
1.8 paragraph (b), the holder of a class D driver's license, without a school bus endorsement,
1.9 may operate a type A school bus or a multifunction school activity bus under the following
1.10 conditions:

1.11 (a) The operator is an employee of the entity that owns, leases, or contracts for the school
1.12 bus and is not solely hired to provide transportation services under this subdivision.

1.13 (b) The operator drives the school bus only from points of origin to points of destination,
1.14 not including home-to-school trips to pick up or drop off students.

1.15 (c) The operator is prohibited from using the eight-light system. Violation of this
1.16 paragraph is a misdemeanor.

1.17 (d) The operator's employer has adopted and implemented a policy that provides for
1.18 annual training and certification of the operator in:

1.19 (1) safe operation of the type of school bus the operator will be driving;

1.20 (2) understanding student behavior, including issues relating to students with disabilities;

2.1 (3) encouraging orderly conduct of students on the bus and handling incidents of
2.2 misconduct appropriately;

2.3 (4) knowing and understanding relevant laws, rules of the road, and local school bus
2.4 safety policies;

2.5 (5) handling emergency situations; and

2.6 (6) safe loading and unloading of students.

2.7 (e) A background check or background investigation of the operator has been conducted
2.8 that meets the requirements under section 122A.18, subdivision 8, or 123B.03 for teachers;
2.9 section 144.057 or chapter 245C for day care employees; or section 171.321, subdivision
2.10 3, for all other persons operating a school bus under this subdivision.

2.11 (f) Operators shall submit to a physical examination as required by section 171.321,
2.12 subdivision 2, and must have in their possession the original or a copy of a current medical
2.13 examiner's certificate, or otherwise provide proof of being medically qualified, to operate
2.14 a school bus under this subdivision.

2.15 (g) The operator's driver's license is verified annually by the entity that owns, leases, or
2.16 contracts for the school bus.

2.17 (h) A person who sustains a conviction, as defined under section 609.02, of violating
2.18 section 169A.25, 169A.26, 169A.27, 169A.31, 169A.51, or 169A.52, or a similar statute
2.19 or ordinance of another state is precluded from operating a school bus for five years from
2.20 the date of conviction.

2.21 (i) A person who has ever been convicted of a disqualifying offense as defined in section
2.22 171.3215, subdivision 1, paragraph (c), may not operate a school bus under this subdivision.

2.23 (j) A person who sustains a conviction, as defined under section 609.02, of a fourth
2.24 moving offense in violation of chapter 169 is precluded from operating a school bus for one
2.25 year from the date of the last conviction.

2.26 (k) Students riding the school bus must have training required under section 123B.90,
2.27 subdivision 2.

2.28 (l) An operator must be trained in the proper use of child safety restraints as set forth in
2.29 the National Highway Traffic Safety Administration's "Guideline for the Safe Transportation
2.30 of Pre-school Age Children in School Buses," if child safety restraints are used by the
2.31 passengers.

3.1 (m) Annual certification of the requirements listed in this subdivision must be maintained
3.2 under separate file at the business location for each operator licensed under this subdivision
3.3 and subdivision 2, paragraph (b), clause (5). The business manager, school board, governing
3.4 body of a nonpublic school, or any other entity that owns, leases, or contracts for the school
3.5 bus operating under this subdivision is responsible for maintaining these files for inspection.

3.6 (n) The school bus must bear a current certificate of inspection issued under section
3.7 169.451.

3.8 (o) If the word "School" appears on the front and rear of the bus, the word "School"
3.9 must be covered by a sign that reads "Activities" when the bus is being operated under
3.10 authority of this subdivision.

3.11 (p) The type A-I school bus or multifunction school activity bus is designed to transport
3.12 15 or fewer passengers, including the driver.

3.13 (q) The school bus or multifunction school activity bus has a gross vehicle weight rating
3.14 of 14,500 pounds or less.

3.15 (r) An operator who sustains a conviction as described in paragraph (h), (i), or (j) while
3.16 employed by the entity that owns, leases, or contracts for the school bus must report the
3.17 conviction to the employer within ten days of the date of the conviction.

3.18 (s) An operator whose driver's license is suspended, revoked, canceled, or disqualified
3.19 by Minnesota, another state, or another jurisdiction must notify the operator's employer in
3.20 writing of the suspension, revocation, cancellation, lost privilege, or disqualification. The
3.21 operator must notify the operator's employer before the end of the business day immediately
3.22 following the day the operator received notice of the suspension, revocation, cancellation,
3.23 lost privilege, or disqualification.

3.24 Sec. 2. Minnesota Statutes 2018, section 171.02, subdivision 2b, is amended to read:

3.25 Subd. 2b. **Exception for type III vehicle drivers.** (a) Notwithstanding subdivision 2,
3.26 the holder of a class A, B, C, or D driver's license, without a school bus endorsement, may
3.27 operate a type III vehicle described in section 169.011, subdivision 71, paragraph (h), under
3.28 the conditions in this subdivision.

3.29 (b) The operator is an employee of the entity that owns, leases, or contracts for the school
3.30 bus.

3.31 (c) The operator's employer has adopted and implemented a policy that provides for
3.32 annual training and certification of the operator in:

- 4.1 (1) safe operation of a type III vehicle;
- 4.2 (2) understanding student behavior, including issues relating to students with disabilities;
- 4.3 (3) encouraging orderly conduct of students on the bus and handling incidents of
4.4 misconduct appropriately;
- 4.5 (4) knowing and understanding relevant laws, rules of the road, and local school bus
4.6 safety policies;
- 4.7 (5) handling emergency situations;
- 4.8 (6) proper use of seat belts and child safety restraints;
- 4.9 (7) performance of pretrip vehicle inspections;
- 4.10 (8) safe loading and unloading of students, including, but not limited to:
- 4.11 (i) utilizing a safe location for loading and unloading students at the curb, on the nontraffic
4.12 side of the roadway, or at off-street loading areas, driveways, yards, and other areas to
4.13 enable the student to avoid hazardous conditions;
- 4.14 (ii) refraining from loading and unloading students in a vehicular traffic lane, on the
4.15 shoulder, in a designated turn lane, or a lane adjacent to a designated turn lane;
- 4.16 (iii) avoiding a loading or unloading location that would require a pupil to cross a road,
4.17 or ensuring that the driver or an aide personally escort the pupil across the road if it is not
4.18 reasonably feasible to avoid such a location;
- 4.19 (iv) placing the type III vehicle in "park" during loading and unloading; and
- 4.20 (v) escorting a pupil across the road under item (iii) only after the motor is stopped, the
4.21 ignition key is removed, the brakes are set, and the vehicle is otherwise rendered immobile;
4.22 and
- 4.23 (9) compliance with paragraph (k), concerning reporting certain convictions to the
4.24 employer within ten days of the date of conviction.
- 4.25 (d) A background check or background investigation of the operator has been conducted
4.26 that meets the requirements under section 122A.18, subdivision 8, or 123B.03 for school
4.27 district employees; section 144.057 or chapter 245C for day care employees; or section
4.28 171.321, subdivision 3, for all other persons operating a type III vehicle under this
4.29 subdivision.
- 4.30 (e) Operators shall submit to a physical examination as required by section 171.321,
4.31 subdivision 2, and must have in their possession the original or a copy of a current medical

5.1 examiner's certificate, or otherwise provide proof of being medically qualified, to operate
5.2 a school bus under this subdivision.

5.3 (f) The operator's employer requires preemployment drug testing of applicants for
5.4 operator positions. Current operators must comply with the employer's policy under section
5.5 181.951, subdivisions 2, 4, and 5. Notwithstanding any law to the contrary, the operator's
5.6 employer may use a Breathalyzer or similar device to fulfill random alcohol testing
5.7 requirements.

5.8 (g) The operator's driver's license is verified annually by the entity that owns, leases, or
5.9 contracts for the type III vehicle as required under section 171.321, subdivision 5.

5.10 (h) A person who sustains a conviction, as defined under section 609.02, of violating
5.11 section 169A.25, 169A.26, 169A.27, or 169A.31, or whose driver's license is revoked under
5.12 sections 169A.50 to 169A.53 of the implied consent law or section 171.177, or who is
5.13 convicted of violating or whose driver's license is revoked under a similar statute or ordinance
5.14 of another state, is precluded from operating a type III vehicle for five years from the date
5.15 of conviction.

5.16 (i) A person who has ever been convicted of a disqualifying offense as defined in section
5.17 171.3215, subdivision 1, paragraph (c), may not operate a type III vehicle under this
5.18 subdivision.

5.19 (j) A person who sustains a conviction, as defined under section 609.02, of a moving
5.20 offense in violation of chapter 169 within three years of the first of three other moving
5.21 offenses is precluded from operating a type III vehicle for one year from the date of the last
5.22 conviction.

5.23 (k) An operator who sustains a conviction as described in paragraph (h), (i), or (j) while
5.24 employed by the entity that owns, leases, or contracts for the school bus, shall report the
5.25 conviction to the employer within ten days of the date of the conviction.

5.26 (l) An operator of a type III vehicle whose driver's license is suspended, revoked,
5.27 canceled, or disqualified by Minnesota, another state, or another jurisdiction must notify
5.28 the operator's employer in writing of the suspension, revocation, cancellation, lost privilege,
5.29 or disqualification. The operator must notify the operator's employer before the end of the
5.30 business day immediately following the day the operator received notice of the suspension,
5.31 revocation, cancellation, lost privilege, or disqualification.

5.32 (m) Students riding the type III vehicle must have training required under section
5.33 123B.90, subdivision 2.

6.1 (n) Documentation of meeting the requirements listed in this subdivision must be
6.2 maintained under separate file at the business location for each type III vehicle operator.
6.3 The business manager, school board, governing body of a nonpublic school, or any other
6.4 entity that owns, leases, or contracts for the type III vehicle operating under this subdivision
6.5 is responsible for maintaining these files for inspection.

6.6 (o) The type III vehicle must bear a current certificate of inspection issued under section
6.7 169.451.

6.8 (p) An employee of a school or of a school district, who is not employed for the sole
6.9 purpose of operating a type III vehicle, is exempt from paragraphs (e) and (f).