

HOUSE BILL 1085

By Lynn

AN ACT to amend Tennessee Code Annotated, Title 4;  
Title 8, Chapter 23; Title 10; Title 39, Chapter 16;  
Title 49, Chapter 6; Title 49, Chapter 1; Title 55  
and Title 65, relative to the department of safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-2109, is amended by deleting such section in its entirety and by substituting instead the following:

Section 49-6-2109.

(a) Pupils shall be transported in safe equipment constructed of steel or materials providing similar safety, as determined by the state board of education, and other safety features shall be included according to specifications for school buses as adopted from time to time by the board.

(b) The board shall permit the use of conventional school buses for a period of twelve (12) years of service. The commissioner of education may grant waivers for an additional three (3) years on a year-to-year basis. The owner of the bus may apply for a waiver after twelve (12) years of service on a year-to-year basis upon the following conditions:

(1) Any bus with over twelve (12) years of use, but not more than fifteen (15) years of use, shall be inspected by the commissioner of safety or the commissioner's designee at least twice annually;

(2) At such inspections, the inspector shall have the authority to require repairs or reconditioning to be made which the inspector considers necessary for the continued safe use and operation of the bus. If the local authority or owner

refuses to take the required action or if the inspector considers continued use of the bus to be unsafe, the inspector shall order its removal from service;

(3) In addition to any other repairs, replacements or reconditioning required by the inspector, the steering, braking and exhaust systems of all conventional buses with over twelve (12) years of service shall be thoroughly reconditioned or replaced, as necessary, prior to any continued use; and

(4) If a school bus for which a waiver for a fifteenth year of service has been granted reaches the end of such waiver within one hundred eighty (180) calendar days from the end of a school year, then such bus may continue in service to the end of such school year, or for a period of time not to exceed one hundred eighty (180) calendar days, whichever is shorter. Such school bus shall meet all requirements for continued safe use and operation, including an additional inspection by the commissioner of safety or the commissioner's designee prior to any such continuance in service, as provided in this subdivision (b)(4).

(c) (1) School buses shall be of uniform approved color with the necessary marking easily to identify them in accordance with requirements of the state board of education. This requirement does not apply to a van type vehicle used only to transport students to and from school-related activities.

(2) No other motor carrier, for hire or otherwise, shall bear the same color or markings as designated by the state board of education for school buses.

(3) A violation of this subsection (c) is a Class C misdemeanor.

(d) The commissioner shall work with the commissioner of safety to ensure the department of safety makes not less than one (1) inspection annually of each school bus

which transports school children, in order to determine whether it can be used safely to protect properly the lives of school children.

(e) Nothing in this title shall prohibit a local school district from allotting space on the exterior or interior of a school bus for the purpose of commercial advertising. After consultation with the department of safety, the state board of education is directed to promulgate rules and regulations to effectuate the provisions of this subsection (e). Commercial advertising shall be permitted only on the rear quarter panels of the school bus of a size not to exceed sixteen inches (16") in height and sixty inches (60") in length, be composed of black lettering on a white background, and shall not advertise alcohol or tobacco products. Commercial advertising permitted by this subsection (e) shall not include campaign advertising as prohibited in § 2-19-144, and any such campaign advertising shall be expressly prohibited.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.