

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER
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DESCRIPTION

1334

2007 HOUSE TRANSPORTATION

HB 1334

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1334

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01-25-2007

Recorder Job Number: 1886

Committee Clerk Signature

*Bria M Thomas*

Minutes:

**Chairman Weisz opened the hearing on HB 1334. All Representatives were present.**

**HB 1334 relates to requirements for drivers of school vehicles.**

**Rep. Mueller** introduced the bill. See attached written testimony.

**Chairman Weisz:** In Subsection 5, on the second page, is it your intent that only applies to the category of ten to fifteen people or is that subsection going to apply to anyone under any situation that transports kids?

**Rep. Mueller:** The way I would read the bill, this is about the ten to fifteen passenger vehicles.

**Chairman Weisz:** That's what you intended it to be?

**Rep. Mueller:** Yes.

**Rep. Delmore:** Do you have any idea how many administrators and teachers would need to upgrade their license? Secondly, what would the cost be?

**Rep. Mueller:** I think the requirements that we do have to hold a North Dakota driver's license. You need to meet physical and medical requirements established by the department and that is important. We are not suggesting that they have to have a CDL, but what we are asking is that they pass the test, the physical examination that would be required. It stipulates in CDL language as to what kind of test they need to pass and that would be required.

**Rep. Ruby:** Has there been a lot of problems in North Dakota with these?

**Rep. Mueller:** I think again, what we are dealing with, there has been a very significant change in federal requirements having to do with this grouping ten to fifteen passenger buses, and we can't any longer use that van to transport kids because of federal regulations. What we will have in place, you are going to have a vehicle that is going to look like the fifty-four passenger bus. The arm that comes out and the color and a number of things that are currently applicable to this grouping of big school busses and they are now going to be applicable to this categorization of buses. Because there is a change in that requirement, is it time now to request some training for these folks. It's pretty obvious that when I drove the van last year, I did the same as I would a car. Now, I have to make sure that I understand that I need to put that arm out. I need to stop at the railroad tracks, so that is in part why we have this in front of us.

**Rep. Ruby:** I had one of these vans, just for my family, so I understand that there are federal issues.

**Rep. Owens:** In this question, why did they strike section F?

**Rep. Mueller:** I will let others talk to that.

**Tom Decker,** Department of Public Instruction, spoke in support of the bill. See written attached testimony.

**Rep. Owens:** You got up and said that section would eliminate, but in your testimony it says "limit", so what is DPI's desire? My concern is that in North Dakota with our interesting driving conditions, a certain level of experience in driving on the roads, I would personally desire of somebody driving any size school bus.

**Decker:** Our intention here was to maintain the minimum age of twenty one. If that's not clear, then we need to amend the bill. To eliminate the possibility of hiring people younger than that.

*(Tom Decker testimony continued)*

I agree with you.

**Rep. Owens:** What I read and what was stricken out was "be at least twenty-one years of age", and then the school district can determine if they will allow them to drive. That tells me that they have to make a mental determination, it's not automatic. I don't mind leaving that in there to allow them to do it in certain cases, to go below twenty-one, but only after they have evaluated it and made a proper decision. That is just my thoughts.

**Rep. Kelsch:** Wouldn't it be better just to leave it with Section F in there?

**Decker:** I agree with you. I think it would be advisable if it's not covered somewhere else in the law, to leave the first part of that. There are problems that will arise with seventeen and eighteen year olds in the passenger's seats and a nineteen year old behind the wheel.

**Barry Brooks,** Director of Purchasing Transportation for Minot Public Schools spoke in support of the bill.

**Brooks:** In the state of South Carolina there is law called "Jacob's Law". It is the end result of a young man who was killed in an accident. The school district bought a brand new van. This is why it's a federal law. A truck driver ran a red light and hit the van and now this law is in place. A non-conformed vehicle safety standard vs. vehicle that meets the federal and vehicle safety standards of a school bus. Rep. Ruby mentioned about seatbelts. On their study right there, the determination was a lap belt only on a school bus offers well over protection, but the study also indicated that more head and facial injuries were caused by lap belts and seat belts as opposed to what most school buses have now, compartmentization. I am a supporter of this bill. When I first read it, two things came to my mind. One is nowhere in here requires us to do a check on the driver's license we have standards, but as a district, how do I know that person is good standing with a driver's license? I talked to the folks down at Minot DMV last night, and

they said that when a person gets a CDL, they do a check and then if that person comes in to have it renewed, they do it again. A person who gets a regular driver's license, same thing happens, but as a district, we used to have our insurance company do it every year for all of the people who we give a list and it doesn't mean the CDL. In here I don't see that, I think that might be something we need to address. The other thing talking about is the buses. Like Mr. Decker was saying, the federal government is coming out with what they call multi-functional school activities bus. Since non-conforming vans are getting out of uses, the industry is building smaller buses. *At this time, Brooks shows the committee pictures of an activity bus.* A lot of schools are buying the non-conforming vans because they are cheaper to buy as opposed to go out and spending fifty-thousand dollars for an activity bus.

As Director of Transportation, I totally support this bill. I would like to make sure that when we say the words in item 2, that the school vehicle is defined as a vehicle that meets the federal motor vehicle safety standards of the school bus. The reason I say that is you can buy what I call "people movers", you can buy them between ten and fifteen thousand dollars, but they don't meet the federal motor vehicle safety standards of a school bus. This type of vehicle is non-conforming. So after visiting with Mr. Decker, he said we should be covered in this and other legislation currently out there.

**Rep. Price:** When you hire one of these drivers, doesn't your insurance company automatically do a check and send it back?

**Brooks:** Our insurance, as long as a person from Minot Public School drives our vehicles and we approve them to drive them, they are covered. But they are not required under any school policy or the insurance company for me to go out and run a check on people driving.

**Rep. Price:** Our insurance policies check our employees once a year.

**Brooks:** Well ours did. They have now said it's not going to be our responsibility so we are going to have to write up some procedures and policies for that.

**Rep. Weisz:** But if there is nothing in current law that prohibits a school district from getting that information on anybody they have drive there buses.

**Brooks:** I understand.

**Rep. Dosch:** One of these conforming multi-person activity buses, what does that cost?

**Brooks:** I have seen one in Minot; I still think you are going to pay fifty thousand dollars.

**Rep. Dosch:** So you would be allowing parents if need be, to drive these vehicles? And when the parent did drive, it would be covered under the schools' insurance?

**Brooks:** I'm a larger district. I get the advantage that smaller districts don't have so as a larger district I would not allow a parent to drive our vehicles. We keep it to employees. One problem is that people can't get bus drivers. This is probably another way to try to alleviate the situation.

**Rep. Ruby:** I see under subsection 2, about meeting the physical and medical requirements established for a commercial driver's license, now that medical exam is a physical and also includes a drug screening? Are any of these people required to be in a random pool?

**Brooks:** Right now, our CDL folks are subject to random drug test. The way I would interpret this thing would be requirement initial, I don't see it here, and it's probably up to the district. I would recommend it in my district. We do have a policy in our books that says if you perform safety sensitive functions, you can be subject to random drug test. The district pays for the cost of the physical.

**Steve Johnson,** Lisbon Superintendent of Schools spoke in support of the bill.

**Johnson:** I believe that this particular bill is a common sense approach to a problem that is now going to be created by some new standards and regulations. With safety as an approach, there is a little more of a standard that they need to meet.

***(Johnson testimony continued)***

Lisbon does not have any of these non-conforming vans, but I am also the President of Special Ed unit which transports kids from Hwy 1 to the Minnesota border to the South Dakota border to almost I-94. We do have a number of these vans and we do follow these regulations already as a special ed unit. I ask for your support today.

**There were no questions from the committee. There was no further support for the bill.**

**There was no opposition to the bill. Chairman Weisz closed the hearing on HB 1334.**

**No Action was taken at this time.**

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1334

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01-25-2007

Recorder Job Number: 1960

Committee Clerk Signature

*Dina M. Thomas*

Minutes:

**Chairman Weisz allowed committee discussion on HB 1334. All Representatives were present. HB 1334 relates to requirements for drivers of school vehicles.**

**Chairman Weisz:** I am assuming that the school boards aren't apposed to it. They were sitting here and didn't oppose it.

**Rep. Kelsch:** I talked to them afterwards and they were just kind of monitoring it. They are fine with it; they know that the federal laws are there, they just have to comply with it.

The only thing is that I would feel more comfortable if, on line fifteen, we remove the overstrike on the "F" and remove the overstrike on "be at least twenty-one years of age".

**Chairman Weisz:** Is there a reason why, if the school board did want to let a twenty year old drive and some condition that we don't want to give them that option?

**Rep. Kelsch:** I was thinking about who is the typical employee of the school district? My guess is that you may have a janitor who is not twenty one years of age, but other employees are typically over twenty-one. I can't imagine who it would be that would be under twenty-one.

**Chairman Weisz:** This section would apply to people who aren't employed also, like parents obviously.

**Rep. Owens:** The reason I brought it up is because I was thinking of student teachers.

**Rep. Kelsch:** The difference is that if you are student teaching, you are not an employee of the school district. For liability purposes, I'm not sure they would put them behind the wheel.

**Rep. Myxter:** My son, in Fargo, he drove a school bus before he was twenty-one, when he was in college.

**Rep. Price moved to adopt amendments. See attached amendment. Rep. Kelsch seconded.**

**Roll Call Voice Vote: 13 yes. 0 no. 0 absent.**

**Rep. Kelsch moved a DO PASS AS AMENDED. Rep. Delmore seconded.**

**Roll Call Vote: 13 yes. 0 no. 0 absent.**

**Carrier: Rep. Kelsch**

**House Amendments to HB 1334 (70553.0201) - Transportation Committee 01/26/2007**

Page 1, line 14, remove "and"

Page 1, line 15, remove the overstrike over "~~and~~"

Page 1, remove the overstrike over lines 16 and 17

Page 1, line 18, remove the overstrike over "~~adequately perform the required duties~~"

**House Amendments to HB 1334 (70553.0201) - Transportation Committee 01/26/2007**

Page 2, line 13, after "by" insert ", contractors"

Renumber accordingly

Date: 1-25-07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES 1334  
BILL/RESOLUTION NO. \_\_\_\_\_

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number VOICE vote

Action Taken to Amend

Motion Made By Price Seconded By Kelsch

Representatives	Yes	No	Representatives	Yes	No	
Chairman Weisz	S		Rep. Delmore	S		
Vice Chairman Ruby		Rep. Gruchalla				
Rep. Dosch		Rep. Myxter				
Rep. Kelsch		Rep. Schmidt				
Rep. Owens		Rep. Thorpe				
Rep. Price						
Rep. Sukut						
Rep. Vigesaa						

Total Yes 13 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 1-25-07  
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1334

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass As Amended

Motion Made By Kelsch Seconded By Delmore

Representatives			Representatives		
	Yes	No		Yes	No
Chairman Weisz	✓		Rep. Delmore	✓	
Vice Chairman Ruby	✓		Rep. Gruchalla	✓	
Rep. Dosch	✓		Rep. Myxter	✓	
Rep. Kelsch	✓		Rep. Schmidt	✓	
Rep. Owens	✓		Rep. Thorpe	✓	
Rep. Price	✓				
Rep. Sukut	✓				
Rep. Vigesaa	✓				

Total Yes 13 No 0

Absent 0

Floor Assignment Kelsch

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1334: Transportation Committee (Rep. Welsz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1334 was placed on the Sixth order on the calendar.

Page 1, line 14, remove "and"

Page 1, line 15, remove the overstrike over "~~and~~"

Page 1, remove the overstrike over lines 16 and 17

Page 1, line 18, remove the overstrike over "~~adequately perform the required duties~~"

Page 2, line 13, after "~~by~~" insert ", contractors"

Renumber accordingly

2007 SENATE TRANSPORTATION

HB 1334

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. Engrossed HB1334

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: March 8, 2007

Recorder Job Number: 4694 & 4708

Committee Clerk Signature

*Jody Hauge*

Minutes:

**Senator Gary Lee** opened the hearing on Engrossed HB 1334 relating to requirements for drivers of school vehicles. There were 6 committee members present and none absent.

**Representative Mueller** introduced the bill and testified in favor of Engrossed HB 1334. This bill is about minimum requirements for those who drive school transportations vehicles designed to carry 10-15 passengers. The Federal laws that have been passed are part of the reason this bill is before the committee today. The Federal rule changes have to do with size and vans. There will be more requirements for school vans. Sub. Section 2 of the bill lists the requirements for these 10-15 passenger school drivers. There will be training requirements and also drivers have to have a physical and meet the medical requirements established for CDL (Commercial Vehicle drivers).

**Senator Potter** asked what the physical requirements were.

**Rep. Mueller** said he didn't know for sure. Possible information on heart condition, diabetes, etc.

**Senator Potter** said in Sec. 5 of the bill, does this mean if I am a teacher and taking two kids to a debate someplace I have to pass a physical for a CDL.

**Rep. Mueller** answered, yes.

**Senator Fiebiger** asked if they do criminal background checks on the school bus drivers.

**Rep. Mueller** said that they are in the process in SB 2260 of establishing areas in which there will be background checks. I can't answer whether school bus drivers will fall into the categories that will be required background checks.

**Tom Decker**, Director, School Finance & Organization, Dept. of Public Instruction testified in support of HB 1334. Written testimony is enclosed. He referenced a letter of opinion from Attorney General Wayne Stenehjem.

**Senator Nething** asked if Tom was for the bill.

**Tom** said yes.

**Senator Potter** asked for a copy of the Attorney General's report. He continued to ask if it is a Federal Standard that as of July 1, 2008 school districts wouldn't be able to use these non conforming vans.

**Tom** said they asked for an Attorney General's opinion and based on that, school districts with non conforming vans would be able to use them until July 1, 2008. School buses need to meet 29 specific construction standards for roll over protection and all of those types of things.

**Senator Bakke** asked if these approved vans would have seat belts.

**Tom** said they would not have seat belts. School bus construction still depends on compartmentalized seating with energy absorbing seat backs. The debate on seat belts in school buses is still going on nationally.

**Senator Bakke** asked if this was going to be a huge cost for most school district. She asked if the state was helping the districts in purchasing these vehicles.

**Tom** said these school buses will cost a lot.

**Senator Bakke** again asked if the state was helping with financial help for the districts.

**Tom** answered no.

Job 4708 (12:19)

**Senator Andrist** presented an amendment to HB 1334.

**Senator Andrist** moved the Andrist amendment for HB 1334.

**Senator Fiebiger** seconded the motion.

The clerk called the roll 6-0-0.

**Senator Andrist** moved a Do Pass as amended on Engrossed HB 1334.

**Senator Fiebiger** seconded the motion.

The clerk called the roll 6-0-0.

**Senator Fiebiger** will carry the bill.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1334

Page 2, line 12, remove the overstrike over "~~This section does not~~" and remove "The requirements of this section"

Page 2, line 13, remove the overstrike over "or", remove the first coma, after "administrators" insert "who are", remove the overstrike over "~~employed by~~", remove ", and other employees of", and remove the overstrike over "~~operating~~"

Page 2, line 14, remove the overstrike over "~~vehicles~~" and insert immediately thereafter "other than schoolbuses", remove the overstrike over "~~for the purposes of transporting~~", remove "who transport", and remove the overstrike over "~~regular or~~"

Page 2, line 15, remove the overstrike over "~~special events related to educational programs in which the students are enrolled~~"

Page 2, line 16, remove "or from any school-sponsored event or activity"

Re-number Accordingly

**With the proposed amendments, subsection 5 of the bill would read as follows:**

"This section does not apply to teachers or administrators who are employed by the district and who are operating vehicles other than schoolbuses for the purpose of transporting students to regular or special events related to educational programs in which the students are enrolled."

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1334

Page 2, line 12, remove the overstrike over "~~This section does not~~" and remove "The requirements of this section"

Page 2, line 13, remove the overstrike over "or", remove the first underscored comma, after "administrators" insert "who are", remove the overstrike over "~~employed by~~", and remove ", contractors, and other employees of"

Page 2, line 14, after "~~from~~" insert "and who are", remove the overstrike over "~~operating vehicles~~" and insert immediately thereafter "other than schoolbuses", remove the overstrike over "~~for the purpose of transporting~~", and remove "who transport"

Page 2, remove the overstrike over line 15

Page 2, line 16, remove the overstrike over "~~enrolled~~" and remove "or from any school-sponsored event or activity"

Re-number accordingly





**REPORT OF STANDING COMMITTEE**

HB 1334, as engrossed: Transportation Committee (Sen. G. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1334 was placed on the Sixth order on the calendar.

Page 2, line 12, remove the overstrike over "~~This section does not~~" and remove "The requirements of this section"

Page 2, line 13, remove the overstrike over "~~er~~", remove the first underscored comma, after "administrators" insert "who are", remove the overstrike over "~~employed by~~", and remove ", contractors, and other employees of"

Page 2, line 14, after "~~from~~" insert "and who are", remove the overstrike over "~~operating vehicles~~" and insert immediately thereafter "other than schoolbuses", remove the overstrike over "~~for the purpose of transporting~~", and remove "who transport"

Page 2, remove the overstrike over line 15

Page 2, line 16, remove the overstrike over "~~enrolled~~" and remove "or from any school-sponsored event or activity"

Renumber accordingly

2007 HOUSE TRANSPORTATION

CONFERENCE COMMITTEE

HB 1334

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1334

House Transportation Committee

Check here for Conference Committee

Hearing Date: 03-29-2007

Recorder Job Number: 5626

Committee Clerk Signature

*Lisa M Thomas*

Minutes:

**The conference committee on HB 1334, was called to order. Chairman Kelsch, Rep. Sukut, Rep. Myxter, Sen. G. Lee, Sen. Andrist, and Sen. Fieberger were all present. HB 1334 relates to requirements of drivers of school vehicles.**

**Chairman Kelsch:** We have HB 1334 before us and the Senate added new language into the bill. Basically what it looks like to us is that you added the language in regarding teachers in subsection five and we don't quite understand what that amendment does.

**Sen. G. Lee:** In your version of the bill, it didn't allow teachers without these criteria to haul a couple of debaters to their event. This section five would allow them to just drive their car and a couple other students, another vehicle and haul them without having an annual training certificate and meet physical requirements.

**Rep. Kelsch:** So basically what you are saying is this would exempt teachers who use their personal vehicles?

**Sen. G. Lee:** Those who would use a non-school bus.

**Sen. Andrist:** Any personal vehicle.

**Sen. Andrist:** Our concern and the concern of the state administer was allowing those who have two and three or four school buildings and sometimes teachers move between these

buildings and sometimes students do too. Sometimes they are only a few blocks away and we wanted to empower that teacher to when it is twenty below, to give the student a ride to another building.

**Rep. Kelsch:** I understand what you are doing, I guess my question is did this amendment do exactly what you were asking it to do? If you were talking about, you basically said it would exempt teachers from using or having to have the training but you even said something about that ten to fifteen passenger vehicle, so if everyone has to have that training for ten to fifteen passenger vehicles, we would want teachers to have that same training, wouldn't we, if they were going to be driving that same vehicle?

**Sen. G. Lee:** Yes, what you are saying is correct. It is other than school buses and I believe the school bus depending on the size is in that category.

**Rep. Kelsch:** The key words then are the "other than school buses". So would they still be allowed to drive a school van?

**Sen. G. Lee:** I believe they are going away, aren't they?

**Rep. Kelsch:** The next question is there was another bill, HB 1081 that was also heard in the Transportation Committee on both the House and the Senate that dealt with Rep. Delzer's bill that dealt with basically what it did was if you were the janitor or maintenance man and you needed to drive the bus to the garage or around to fix it, that you did not have to go through the training or have a CDL. The question came up are the two bills in conflict. So we could have resolved this today, however this issue came up as I was leaving the floor so I think I would like to have our intern or LC look at this and make sure that they are not in conflict because if they are they just have to make sure that we resolve it.

**Sen. Andrist:** The other one speaks strictly to school maintenance personnel. This one speaks specifically to teachers and administrators. I don't see how they could possibly be.

**Rep. Sukut:** Both of these bills refer to the exact same section in code so it would look to me that if we were to pass this that it would override this code or become a part of it. They are both the same section of code.

**Rep. Kelsch:** That is why we just want to make sure that when they both come together that there is not a conflict between the two of them. We just want to double check that to make sure and I think then what we will do is come back in and dissolve this.

**The conference committee was dismissed, and no action was taken at this time.**

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1334

House Transportation Committee

Check here for Conference Committee

Hearing Date: 04-03-2007

Recorder Job Number: 5694

Committee Clerk Signature

*Lisa M Thomas*

Minutes:

**The conference committee on HB 1334, was called to order. Chairman Kelsch, Rep. Sukut, Rep. Myxter, Sen. G. Lee, Sen. Andrist, and Sen. Fieberger were all present. HB 1334 relates to requirements of drivers of school vehicles.**

**Sen. G. Lee** introduced amendments to the committee. See attached.

**Sen. G. Lee:** We believe the intent of this is to again, just work with the school vehicles, outside of school buses. It just kind of rephrases the language that if you were going to transport students, in subsection one of section one, you would need to have a license as it says in law. The second one, in subsection B, deals with the ten to fifteen size vehicles and the second page eliminates the language and adds a section that said the school board may request at any time that a health care professional designated by the board examine an individual determining that the individual meets the physical and medical requirements in subsection one. The cost would be born by the school board. So in other words it puts the school board in charge of determining whether or not someone needs to have a physical to transport kids in a school vehicle. If you want me to move that I can.

**Sen. G. Lee:** I would move the amendment 70553.0303 to engrossed HB 1334.

**Sen. Andrist seconded the motion.**

**Rep. Kelsch:** So in other words, it would basically just say that for example, Mandan school district, we have a one act play that has four people in it, they are going to take the teachers car from Mandan to Grand Forks, or not the teachers car, a smaller vehicle, not the van even, one of the station wagons because there is going to be five people in it. The board could require that teacher would have to have a physical before they could do that? Is that basically what you are saying?

**Rep. G. Lee:** My intent would be that the board would be able to determine whether the teacher or administrator would need to have a medical exam.

**Rep. Kelsch:** Only if it was a school vehicle that was not a school bus, right?

**Sen. G. Lee:** That is correct.

**Rep. Sukut:** Have we addressed in here then the situation where we are driving between two communities and its like ten miles and they have got teachers and other employees that are driving this bus these ten miles and they have a concern about having to have those required physical examinations. Does this address that issue?

**Sen. G. Lee:** You mentioned driving a bus. If they are driving a school bus then they need a CDL. This affects only school vehicles outside of school buses. That is federal requirement.

**Rep. Sukut:** So they are in that situation, they basically are going to have to adhere to the federal laws.

**Sen. G. Lee:** If it is a school bus.

**Sen. Fieberger:** The question I have relates to the section that was in the part where it talks about teachers operating vehicles, are we doing anything to address the issue of using personal vehicles to go make a quick trip or are we leaving that solely out of this?

**Sen. G. Lee:** This bill just addresses a school owned vehicles. Not privately owned.

**Sen. Andrist:** I think that we don't ordinarily regulate what people do with their personal vehicles. That is between them and then insurance agent. It doesn't concern us.

**Rep. Sukut:** How about the situation with the mechanics?

**Rep. Kelsch:** That is in HB 1081. The two bills should meld together because I think we determined that they were not in conflict. I would like to ask Mr. Johnson, is this palatable for the majority of the superintendents?

**Johnson:** The way that is worded, I think that would work. It takes care of the problem. Some are doing it already. The only question that I may have on this is it clear for the personal use of vehicles. It doesn't address that.

**Bev Nielsen:** Most people add a policy to about personal use of vehicles. Some don't allow it at all because of liability. We would recommend the board have the same policy for all who are going to drive.

**There was no further discussion on the amendment.**

**Roll Call Vote: 6 yes. 0 no. 0 absent.**

**Sen. Andrist moved that the Senate recede from the Senate amendments and adopt amendments 70553.0303. Sen. Lee seconded the motion.**

**Roll Call Vote: 6 yes. 0 no. 0 absent.**

**Carrier: Rep. Kelsch.**

**The conference committee was dissolved.**

**Conference Committee Amendments to Engrossed HB 1334 (70553.0303) - 04/05/2007**

That the Senate recede from its amendments as printed on page 1001 of the House Journal and page 762 of the Senate Journal and that Engrossed House Bill No. 1334 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15.1-07-20 of the North Dakota Century Code, relating to requirements for certain school vehicle drivers.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 15.1-07-20 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-07-20. ~~Schoolbus~~ School vehicle driver - Requirements.**

1. ~~To be eligible to drive a schoolbus or other school vehicle, an~~
  - a. Except as otherwise provided in this subsection, if an individual transports students or other passengers in a school vehicle for which a commercial driver's license is not required, the individual must:
    - ~~a-~~ (1) Hold a ~~valid~~ North Dakota driver's license;
    - ~~b-~~ (2) Be free from communicable diseases;
    - ~~c-~~ (3) Be in good physical health and have normal use of both hands, both feet, both eyes, and both ears;
    - ~~d-~~ (4) Be of sound mental health;
    - ~~e-~~ (5) Pass any drug and alcohol screening tests required by the school board; and
    - ~~f-~~ (6) Be at least twenty-one years of age, unless the board of a school district determines that an individual not meeting this requirement can safely and adequately perform the required duties.
  - b. If the vehicle being used to transport students or other passengers under this subsection is a school vehicle for which a commercial driver's license is not required, but which is designed to seat ten to fifteen passengers, the individual must:
    - (1) Hold a North Dakota driver's license;
    - (2) Meet the physical and medical requirements established for commercial vehicle drivers;
    - (3) Complete any annual training required by the superintendent of public instruction; and
    - (4) Be at least twenty-one years of age, unless the board of a school district determines that an individual not meeting this

requirement can safely and adequately perform the required duties.

2. ~~Each year, the board of a school district shall designate licensed health care professionals, as defined by department of transportation standards, to examine schoolbus and school vehicle drivers.~~
3. ~~Prior to commencing duties as the driver of a schoolbus or other school vehicle, whether employed by the school district or by another entity with whom the school board has contracted, and every two years thereafter, an individual shall present to the school board verification by a designated health care professional that the individual has been examined and meets the health requirements of this section.~~
4. ~~This section does not prohibit teachers or administrators employed by the district from operating vehicles for the purpose of transporting students to regular or special events related to educational programs in which the students are enrolled.~~

The board of a school district may request, at any time, that a health care professional designated by the board examine an individual to determine if the individual meets the physical and medical requirements of subsection 1. Any examination costs that remain after application of the individual's insurance coverage are the responsibility of the board."

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)**

Bill Number 1334 (, as (re)engrossed):

Date: 4-03-07  
~~3-29-07~~

Your Conference Committee TRANS.

	For the Senate:		For the House:	
	YES	NO	YES	NO
Sen. G. Lee	X		Rep. Kelsch	X
Sen. Andrist	X		Rep. Sukut	
Sen. Fieberger	X		Rep. Myxter	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)  
 the (Senate/House) amendments on (SJ/HJ) page(s) \_\_\_\_\_ -- \_\_\_\_\_  
 \_\_\_\_\_, and place \_\_\_\_\_ on the Seventh order.  
 \_\_\_\_\_, adopt (further) amendments as follows, and place \_\_\_\_\_ on the  
 Seventh order:  
 \_\_\_\_\_, having been unable to agree, recommends that the committee be discharged  
 and a new committee be appointed.

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the calendar.

DATE: \_\_\_\_\_  
 CARRIER: \_\_\_\_\_

LC NO. _____	of amendment
LC NO. _____	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE COUNT    \_\_\_ YES    \_\_\_ NO    \_\_\_ ABSENT

**REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)**

Bill Number 1334 (, as (re)engrossed):

Date: 4-03-07

Your Conference Committee TRANS.

**For the Senate:**

**For the House:**

	YES / NO			YES / NO	
Sen. G. Lee	X		Rep. Ketsch	X	
Sen. Andrist	X		Rep. Sukut	X	
Sen. Fieberger	X		Rep. Myxter	X	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 1001 -- \_\_\_\_\_

\_\_\_\_\_, and place \_\_\_\_\_ on the Seventh order.

X, adopt (further) amendments as follows, and place 1334 on the Seventh order:

\_\_\_\_\_, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the calendar.

DATE: 4-03-07

CARRIER: Rep. Ketsch

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE COUNT    \_\_\_ YES    \_\_\_ NO    \_\_\_ ABSENT

**REPORT OF CONFERENCE COMMITTEE**

**HB 1334, as engrossed:** Your conference committee (Sens. G. Lee, Andrist, Fiebiger and Reps. R. Kelsch, Sukut, Myxter) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1001, adopt amendments as follows, and place HB 1334 on the Seventh order:

That the Senate recede from its amendments as printed on page 1001 of the House Journal and page 762 of the Senate Journal and that Engrossed House Bill No. 1334 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15.1-07-20 of the North Dakota Century Code, relating to requirements for certain school vehicle drivers.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 15.1-07-20 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-07-20. ~~Schoolbus~~ School vehicle driver - Requirements.**

1. ~~To be eligible to drive a schoolbus or other school vehicle, an~~
  - a. Except as otherwise provided in this subsection, if an individual transports students or other passengers in a school vehicle for which a commercial driver's license is not required, the individual must:
    - a. (1) Hold a ~~valid~~ North Dakota driver's license;
    - b. (2) Be free from communicable diseases;
    - c. (3) Be in good physical health and have normal use of both hands, both feet, both eyes, and both ears;
    - d. (4) Be of sound mental health;
    - e. (5) Pass any drug and alcohol screening tests required by the school board; and
    - f. (6) Be at least twenty-one years of age, unless the board of a school district determines that an individual not meeting this requirement can safely and adequately perform the required duties.
  - b. If the vehicle being used to transport students or other passengers under this subsection is a school vehicle for which a commercial driver's license is not required, but which is designed to seat ten to fifteen passengers, the individual must:
    - (1) Hold a North Dakota driver's license;
    - (2) Meet the physical and medical requirements established for commercial vehicle drivers;
    - (3) Complete any annual training required by the superintendent of public instruction; and

(4) Be at least twenty-one years of age, unless the board of a school district determines that an individual not meeting this requirement can safely and adequately perform the required duties.

2. ~~Each year, the board of a school district shall designate licensed health care professionals, as defined by department of transportation standards, to examine schoolbus and school vehicle drivers.~~
3. ~~Prior to commencing duties as the driver of a schoolbus or other school vehicle, whether employed by the school district or by another entity with whom the school board has contracted, and every two years thereafter, an individual shall present to the school board verification by a designated health care professional that the individual has been examined and meets the health requirements of this section.~~
4. ~~This section does not prohibit teachers or administrators employed by the district from operating vehicles for the purpose of transporting students to regular or special events related to educational programs in which the students are enrolled.~~

The board of a school district may request, at any time, that a health care professional designated by the board examine an individual to determine if the individual meets the physical and medical requirements of subsection 1. Any examination costs that remain after application of the individual's insurance coverage are the responsibility of the board."

Renumber accordingly

Engrossed HB 1334 was placed on the Seventh order of business on the calendar.

2007 TESTIMONY

HB 1334

House Bill 1334 Testimony

Intro

9 AM January 25 ft. Totten Room

Transportation Committee

Chairman Robin Weisz

Thanks for the opportunity to present testimony on behalf of HB 1334. My name is Phil Mueller from District 24.

HB 1334 is about minimum requirement for those who drive school transportation vehicles that are designed to transport between ten and fifteen passengers.

There have been some new Federal rules about that classification of school transportation vehicles and I will let other speakers talk about those new rules. In part because of those new rules, it seemed the right time to implement some standards for those who drive those ten to fifteen passenger vehicles. School district personnel would also be affected by these driver requirements.

In Subsection 2, requirements are listed for the ten to fifteen passenger school vehicle drivers. They are not excessive but do require some training in how to properly handle and drive the school vehicles. The DPI will be formulating the training requirements.

The department may be better able to speak to the training requirements.

HB 1334 is about school student safety. I urge your favorable consideration and I would stand for questions.

**TESTIMONY ON HB 1334  
TRANSPORTATION COMMITTEE**

**January 25, 2007**

**by Tom Decker, Director, School Finance & Organization**

**(701) 328-2267**

**Department of Public Instruction**

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Mr. Chairman, and members of the committee, for the record, I am Tom Decker, Director, School Finance & Organization, Department of Public Instruction.

House Bill 1334 deals with requirements for school bus drivers. Section 1 of the bill limits school districts to employing drivers who are over 21 years of age.

Section 2 of the bill establishes a new set of criteria for school bus drivers who will be driving vehicles with a rated passenger capacity of 10 to 15 passengers.

The language requires that they hold a valid North Dakota's drivers license, the same kind of license that most of us have to drive our cars; that these drivers pass the physical specified for receiving a commercial drivers license; and that they complete annual training as specified by the superintendent of public instruction. That requirement currently amounts to 2 ½ hours of training per year as a minimum.

The last subsection of the bill indicates that the requirements of section apply to employees of school districts. In case there is a question in that regard, our intention was for these provisions to also apply to contractors who transported students in approved vehicles under contract for a school district.

The primary reason that these changes are before you is that the nature of vehicles which schools will be able to use in the 10 – 15 passenger capacity range

is about to change. There is an Attorney General's opinion dated March 4, 2003 attached to my testimony. It provides an opinion requested by the state superintendent regarding school transportation vehicles and regulation of school transportation vehicles. The opinion confirms that the state superintendent has the authority to determine the specifications of vehicles used for school transportation.

Most states have, some years ago, prohibited the use of what is called "non-conforming vans." They are commercial vans in the 10 -15 passenger range which do not meet the specifications of a school bus. They are in fact, the kind of vehicle that many hotels and motels use for an airport shuttle service. As of July 1, 2008, school districts will no longer be able to use these non-conforming vans to transport students to and from school or school related activities.

We are well into a process across the state of replacing these vehicles with small capacity school buses. These buses will have the same equipment as any larger school bus, that is flashing lights, stop arms, and so on. They will be required to stop at railroad tracks and so on. While these people may drive this bus with a regular driver's license, some additional standards are needed. We need to be sure that the drivers of these vehicles are healthy enough to drive safely just like his colleague who is driving the larger bus with a commercial driver's license.

We have recommended for years that drivers of non-conforming vans and smaller school transportation vehicles such as suburbans, attend annual school bus driver training. The provisions of this bill would require that for drivers of vehicles in the 10-15 passenger category. We believe that to do less than adopt this minimal set of regulations which still does not require these drivers to have a commercial driver's license is the minimum that needs to be done to protect school districts from potentially large liability issues which might occur if people are driving these vehicles without appropriate training and/or of health checks.

That concludes my testimony, if there are any questions, I would be happy to answer them.

67-12-01 Standards for Schoolbuses

**Chapter 67-12-01**  
**STANDARDS FOR SCHOOLBUSES**

Section

16-12-01-01 Minimum Standards Required

**67-12-01-01. Minimum standards required.** Except as specifically provided in this chapter, all public schoolbuses operated in North Dakota must meet the minimum body and chassis standards established or referenced in this chapter. Up to and including June 30, 2008, a school may use a non-complying van to transport school children to and from school and school-related activities if:

1. The van was purchased by the school district and placed into service for the purpose of transporting school children to and from school and school related activities prior March 1, 2003;
2. The van is equipped with a seat belt for the driver and each passenger in the van; and
3. The van is driven in compliance with rules of the road applicable to schoolbuses.

**History:** Effective May 1, 1999

**General Authority:** NDCC 39-21-27, 39-21-27.1, 28-32-02

**Law Implemented:** NDCC 39-21-27, 39-21-27.1

**General Authority:** NDCC 39-21-27, 39-21-27.1, 28-32-02

**LETTER OPINION  
2003-L-15**

March 4, 2003

Honorable Wayne G. Sanstead  
Superintendent of Public Instruction  
600 East Boulevard Avenue, Dept. 201  
Bismarck, ND 58505-0440

Dear Dr. Sanstead:

Thank you for your letter asking whether a van that does not conform to school bus standards contained in your department's administrative rules may be used by a public or private school to transport children to and from school or school-related activities.

State law defines "schoolbus" as follows:

"Schoolbus" means any motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or to or from school-related activities, or privately owned and operated for compensation for the transportation of children to or from school or to or from school-related activities.

N.D.C.C. § 39-01-01(67).

A "vehicle" includes every device in, upon, or by which any person or property may be transported or drawn upon a public highway." N.D.C.C. § 39-01-01(89). A "motor vehicle" includes every vehicle that is self-propelled." N.D.C.C. §39-01-01(38). Therefore, a vehicle commonly referred to as a "van" is a motor vehicle and, if operated for the transportation of children to or from school or to or from school-related activities, must comply with your department's rules on schoolbuses.

Your authority with respect to schoolbus standards provides:

**Schoolbus standards - Equipment and color regulations.** Only motor vehicles which have been designed by the manufacturer for the purpose of carrying passengers may be used as schoolbuses. The

LETTER OPINION 2003-L-15

March 4, 2003

Page 2

superintendent of public instruction may adopt reasonable regulations, consistent with the provisions of this chapter, relating to the construction, design, operation, equipment, and color of schoolbuses and shall prepare and publish standards for North Dakota schoolbuses which must set forth the regulations. The superintendent of public instruction may issue an order prohibiting the operation on public streets, highways, and elsewhere of any schoolbus which does not comply with the regulations, and school districts operating buses which do not meet the regulations will not be eligible to receive state reimbursement for vehicular transportation. If a schoolbus is purchased for a purpose or purposes other than the public transport of schoolchildren, the purchaser shall change the color of the vehicle and deactivate or remove the warning signal lights and the stop sign on the control arm.

Highway patrolmen and all peace officers are authorized to make necessary investigations relating to compliance with the regulations adopted by the superintendent of public instruction and to make reports of their findings to the office of the superintendent of public instruction.

N.D.C.C. § 39-21-27.1. This section authorizes you to adopt administrative rules, issue orders prohibiting operation of non-complying vehicles, and impose sanctions upon school districts operating non-complying buses. Id.

You implemented that authority by adopting N.D.A.C. ch. 67-12-01, Standards for Schoolbuses. Those rules provide that all public schoolbuses operated in North Dakota must meet the minimum body and chassis standards established or referenced in the chapter. N.D.A.C. § 67-12-01-01 (emphasis added). The rules apply to buses manufactured after January 1, 2000. N.D.A.C. § 67-12-01-04. The rules adopt the body and chassis standards of the federal motor vehicle safety standards and supplement those standards with the 1995 national minimum standards for schoolbus construction if the latter exceed or are in addition to the federal motor vehicle safety standards for schoolbuses. N.D.A.C. §§ 67-12-01-02 and 67-12-01-03.

Section 39-21-27.1, N.D.C.C., authorizes you to issue orders prohibiting any party, including private schools, from using a schoolbus that does not comply with your department's rules. However, the rules that have been adopted are limited to schoolbuses operated by public schools. It is therefore my opinion that a van used to transport children to and from school or school-related activities which you find does not comply with the minimum standards adopted in your administrative rules may not be used by a public school district, whether it is owned by the district or operated under contract pursuant to

LETTER OPINION 2003-L-15

March 4, 2003

Page 3

N.D.C.C. §§ 15.1-30-06 through 15.1-30-12.<sup>1</sup> Vehicles used by private schools are not required to comply with your department's standards.

Sincerely,

Wayne Stenehjem  
Attorney General

rel/pg

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<sup>1</sup> Transit buses utilized by students under N.D.C.C. § 15.1-30-01(3) are not schoolbuses subject to regulation because they are operated for general public transit which only incidentally includes students.

## School Transportation Advisory Committee

Updated: 1/24/07

NAME	TITLE	UNIT	PHONE	FAX	E-MAIL ADDRESS
Kelly Rodgers	Captain	State Highway Patrol	328-4256	328-1717	<a href="mailto:kjrodger@nd.gov">kjrodger@nd.gov</a>
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Tom Decker	Director - School Transportation	Dept. of Public Instruction	328-2267	328-2461	<a href="mailto:tdecker@nd.gov">tdecker@nd.gov</a>

**TESTIMONY ON HB 1334  
SENATE TRANSPORTATION COMMITTEE**

**March 8, 2007**

**by Tom Decker, Director, School Finance & Organization**

**(701) 328-2267**

**Department of Public Instruction**

Mr. Chairman, and members of the committee, for the record, I am Tom Decker, Director, School Finance & Organization, Department of Public Instruction.

House Bill 1334 deals with requirements for school bus drivers.

Section 1, subsection 2 of the bill establishes a new set of criteria for school bus drivers who will be driving vehicles with a rated passenger capacity of 10 to 15 passengers.

The language requires that they hold a valid North Dakota's drivers license, the same kind of license that most of us have to drive our cars; that these drivers pass the physical specified for receiving a commercial drivers license; and that they complete annual training as specified by the superintendent of public instruction. That requirement currently amounts to 2 1/2 hours of training per year as a minimum.

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~~attached to my testimony.~~ It provides an opinion requested by the state superintendent regarding school transportation vehicles and regulation of school transportation vehicles. The opinion confirms that the state superintendent has the authority to determine the specifications of vehicles used for school transportation.

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