

House Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 59

HOUSE BILL 2362

AN ACT

AMENDING SECTIONS 28-900, 28-3053 AND 28-3228, ARIZONA REVISED STATUTES;
RELATING TO SCHOOL BUSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-900, Arizona Revised Statutes, is amended to
3 read:

4 28-900. School bus rules

5 A. ~~The department of administration in consultation with~~ The
6 department of public safety and IN CONSULTATION with the school bus advisory
7 council established by section 28-3053 shall adopt rules as necessary to
8 improve the safety and welfare of school bus passengers by minimizing the
9 probability of accidents involving school buses and school bus passengers and
10 by minimizing the risk of serious bodily injury to school bus passengers in
11 the event of an accident.

12 B. The rules may include:

- 13 1. Minimum standards for the design and equipment of school buses.
- 14 2. Minimum standards for the periodic inspection and maintenance of
15 school buses.
- 16 3. Procedures for the operation of school buses.
- 17 4. Other criteria as deemed by ~~the department of administration,~~ the
18 department of public safety and the school bus advisory council to be
19 necessary and appropriate to ensure the safe operation of school buses.

20 C. The rules shall provide, if applicable, minimum standards equal to
21 or more restrictive than those adopted by the United States department of
22 transportation in accordance with 23 United States Code and rules adopted
23 pursuant to 23 United States Code.

24 D. Notwithstanding a rule adopted by the department of ~~administration~~
25 PUBLIC SAFETY with respect to exterior color of a school bus, in order to
26 reduce the interior temperature of a school bus, the exterior top of a school
27 bus may be painted white, but the white area shall not extend beyond the
28 center clearance lights, front and rear, and shall not extend below a line
29 five inches above the top of the side windows.

30 E. An officer or employee of any school district who violates any of
31 the rules or who fails to include the obligation to comply with the rules in
32 any contract executed by the officer or employee on behalf of a school
33 district is guilty of misconduct and is subject to removal from office or
34 employment. Any person who operates a school bus under contract with a
35 school district and who fails to comply with any of the rules is in breach of
36 contract, and the school district shall cancel the contract after notice and
37 a hearing by the responsible officers of the school district.

38 F. The department of public safety shall enforce the rules adopted
39 pursuant to this section.

40 Sec. 2. Section 28-3053, Arizona Revised Statutes, is amended to read:
41 28-3053. School bus advisory council

42 A. The school bus advisory council is established consisting of nine
43 members appointed by the governor. The governor shall appoint the members as
44 follows:

- 45 1. One member representing the department of public safety.

- 1 2. One member representing the state board of education.
- 2 3. One member from a school district with a student count of less than
- 3 six hundred.
- 4 4. One member from a school district with a student count of six
- 5 hundred or more but less than three thousand.
- 6 5. One member from a school district with a student count of three
- 7 thousand or more but less than ten thousand.
- 8 6. One member from a school district with a student count of ten
- 9 thousand or more.
- 10 7. One member representing transportation administrators.
- 11 8. One member who is a certified school bus driver or school bus
- 12 driver instructor.
- 13 9. One member representing a private sector school bus service
- 14 provider.
- 15 B. The members shall serve staggered three year terms unless a member
- 16 vacates the position. Appointment to fill a vacancy resulting other than
- 17 from expiration of a term is for the unexpired portion of the term only.
- 18 C. The school bus advisory council shall:
- 19 1. Meet at least annually.
- 20 2. Select a chairman from its members.
- 21 3. Advise and assist the department of ~~administration~~ PUBLIC SAFETY in
- 22 developing the rules required by sections 28-900 and 28-3228.
- 23 4. Recommend curricula for school bus driver safety and training
- 24 courses required by section 28-3228.
- 25 5. Advise and consult with the department of public safety concerning
- 26 matters related to the certification of school bus drivers and the safety of
- 27 school buses.
- 28 6. Establish a mailing list that includes any party expressing an
- 29 interest in the council's activities. The council shall provide ~~the list to~~
- 30 ~~the department of administration, and the department of administration shall~~
- 31 ~~send notice by first class mail~~ WRITTEN NOTICE to each person on the list at
- 32 least fifteen days before the date on which the meeting is to be held. THE
- 33 NOTICE SHALL BE SENT BY MAIL OR ELECTRONIC MEANS TO THE PARTY'S LAST ADDRESS
- 34 OF RECORD WITH THE COUNCIL OR BY ANY OTHER METHOD REASONABLY CALCULATED TO
- 35 EFFECT ACTUAL NOTICE TO ANY PARTY EXPRESSING INTEREST IN THE COUNCIL'S
- 36 ACTIVITIES. WRITTEN NOTICE BY ELECTRONIC MEANS IS EFFECTIVE WHEN
- 37 TRANSMITTED. FOR OTHER METHODS WRITTEN NOTICE IS EFFECTIVE ON RECEIPT OR
- 38 FIVE DAYS AFTER THE DATE SHOWN ON THE POSTMARK STAMPED ON THE ENVELOPE,
- 39 WHICHEVER IS EARLIER.
- 40 D. Members of the school bus advisory council are not eligible to
- 41 receive compensation or reimbursement for expenses.
- 42 Sec. 3. Section 28-3228, Arizona Revised Statutes, is amended to read:
- 43 28-3228. School bus drivers; requirements; rules; cancellation
- 44 A. A person shall not operate a school bus transporting school
- 45 children unless the person possesses the appropriate license class for the

1 size of school bus being operated that is issued by the department of
2 transportation, a bus endorsement that is issued by the department of
3 transportation and a school bus certificate that is issued by the department
4 of public safety.

5 B. To be certified as a school bus driver a person shall do both of
6 the following:

7 1. Meet and maintain the minimum standards prescribed by this section
8 and rules adopted by ~~the department of administration in consultation with~~
9 the department of public safety ~~and~~ IN CONSULTATION with the school bus
10 advisory council established by section 28-3053.

11 2. Complete an initial instructional course on school bus driver
12 safety and training including behind the wheel training.

13 C. ~~The department of administration in consultation with the~~
14 department of public safety ~~and~~ IN CONSULTATION with the school bus advisory
15 council established by section 28-3053 shall adopt rules that establish
16 minimum standards for the certification of school bus drivers. In
17 cooperation with local school districts, the department of public safety
18 shall provide for school bus driver safety and training courses. The
19 standards established shall:

20 1. Include requirements concerning moral character, knowledge of
21 school bus operation, pupil and motor vehicle safety, physical impairments
22 that might affect the applicant's ability to safely operate a school bus or
23 that might endanger the health or safety of school bus passengers, knowledge
24 of first aid, establishment of school bus safety and training courses, a
25 refresher course to be completed on at least a biennial basis and other
26 matters as ~~the department of administration in consultation with~~ the
27 department of public safety and the school bus advisory council established
28 by section 28-3053 ~~prescribes~~ PRESCRIBE for the protection of the public.

29 2. Require tests to detect the presence of alcohol or the use of a
30 drug in violation of title 13, chapter 34 that may adversely affect the
31 ability of the applicant to safely operate a school bus.

32 3. Authorize the performance of hearing tests with or without the use
33 of a hearing aid as provided in 49 Code of Federal Regulations section
34 391.41.

35 D. Each applicant for a school bus driver certificate shall submit a
36 full set of fingerprints to the department of public safety for the purpose
37 of obtaining a state and federal criminal records check pursuant to section
38 41-1750 and Public Law 92-544. The department of public safety may exchange
39 this fingerprint data with the federal bureau of investigation. For the
40 purposes of this subsection, each applicant shall pay a fee to the department
41 of public safety to reimburse the department of public safety for the cost of
42 obtaining the criminal records check required by this subsection. The fee
43 shall not exceed the actual cost of obtaining the criminal records check.

44 E. The department of public safety shall issue a school bus driver
45 certificate to an applicant who meets the requirements of this section. The

1 certificate is valid if the applicant maintains the minimum standards
2 established by this section.

3 F. The department of public safety may cancel the certificate if the
4 person's license to drive is suspended, canceled, revoked or
5 disqualified. The department of public safety shall cancel the certificate
6 if the person fails to maintain the minimum standards established pursuant to
7 this section. A person whose application for a certificate is refused or
8 whose certificate is canceled for failure to meet or maintain the minimum
9 standards may request and receive a hearing from the department of public
10 safety.

11 G. The department of public safety shall enforce the rules adopted
12 pursuant to this section.

APPROVED BY THE GOVERNOR APRIL 16, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2014.

Passed the House March 4, 20 14

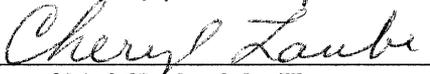
by the following vote: 55 Ayes,

0 Nays, 5 Not Voting



Speaker of the House

Pro Tempore



Chief Clerk of the House

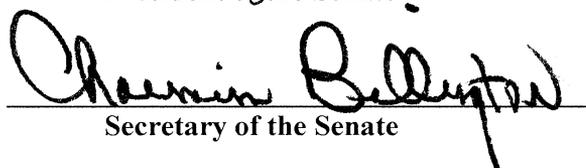
Passed the Senate April 15, 20 14

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting



President of the Senate



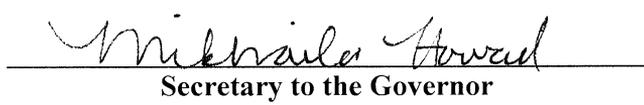
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

16 day of April, 20 14

at 11:50 o'clock A M.

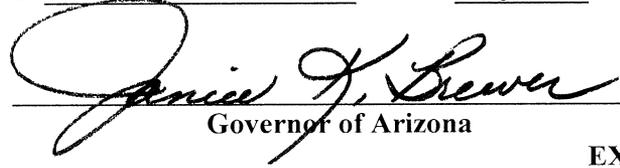


Secretary to the Governor

Approved this 16th day of

April

at 2:56 o'clock P. M.



Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 17th day of April, 20 14

at 8:12 o'clock a M.



Secretary of State

H.B. 2362