

SECOND REGULAR SESSION

HOUSE BILL NO. 1629

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DEMPSEY (Sponsor), SCHNEIDER, BAKER, STEFANICK, BOUGH, NIEVES, CUNNINGHAM (86), MOORE, BIVINS, SCHAAF, PARKER, LUETKEMEYER, DEEKEN, COOPER (155), MORRIS, THRELKELD, LEMBKE, BEAN AND MYERS (Co-sponsors).

Read 1st time March 4, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4795L.011

AN ACT

To repeal sections 304.050 and 307.375, RSMo, and to enact in lieu thereof five new sections relating to school bus seat belts.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 304.050 and 307.375, RSMo, are repealed and five new sections
2 enacted in lieu thereof, to be known as sections 160.1040, 160.1050, 304.050, 307.375, and
3 488.028, to read as follows:

**160.1040. Each school district of this state with insufficient funds to equip every
2 school bus with seat belts as required under section 304.050, RSMo, may apply to the
3 department of elementary and secondary education for allocation of moneys from the
4 school bus seat belt fund. The department of elementary and secondary education shall
5 decide how such funds will be allocated.**

**160.1050. 1. There is hereby created a "School Bus Seat Belt Fund", which shall
2 consist of moneys collected pursuant to section 488.025, RSMo. The department of
3 elementary and secondary education shall be the custodian of the fund. Money in the fund
4 shall be used solely for equipping school busses of this state with passenger seat belts.**

**5 2. Notwithstanding the provision of section 33.080, RSMo, to the contrary, any
6 moneys remaining in the fund at the end of the biennium shall not revert to the credit of
7 the general revenue fund.**

304.050. 1. The driver of a vehicle upon a highway upon meeting or overtaking from
2 either direction any school bus which has stopped on the highway for the purpose of receiving

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

3 or discharging any school children and whose driver has in the manner prescribed by law given
4 the signal to stop, shall stop the vehicle before reaching such school bus and shall not proceed
5 until such school bus resumes motion, or until signaled by its driver to proceed.

6 2. Every bus used for the transportation of school children shall bear upon the front and
7 rear thereon a plainly visible sign containing the words "school bus" in letters not less than eight
8 inches in height. Each bus shall have lettered on the rear in plain and distinct type the following:
9 "State Law: Stop while bus is loading and unloading". Each school bus subject to the provisions
10 of sections 304.050 to 304.070 shall be equipped with a mechanical and electrical signaling
11 device approved by the state board of education, which will display a signal plainly visible from
12 the front and rear and indicating intention to stop.

13 3. **Beginning with the 2004-2005 school year, every school bus shall be equipped**
14 **with the same number of seat belts as there are designated seating positions in the bus.**
15 **Seat belts shall conform to the federal standards stated in 49 CFR 571.208.**

16 4. Every school bus operated to transport students in the public school system which has
17 a gross vehicle weight rating of more than ten thousand pounds, which has the engine mounted
18 entirely in front of the windshield and the entrance door behind the front wheels, and which is
19 used for the transportation of school children shall be equipped no later than August 1, 1998,
20 with a crossing control arm. The crossing control arm, when activated, shall extend a minimum
21 of five feet six inches from the face of the front bumper. The crossing control arm shall be
22 attached on the right side of the front bumper and shall be activated by the same controls which
23 activate the mechanical and electrical signaling devices described in subsection 2 of this section.
24 This subsection may be cited as "Jessica's Law" in commemoration of Jessica Leicht and all
25 other Missouri schoolchildren who have been injured or killed during the operation of a school
26 bus.

27 [4.] 5. Except as otherwise provided in this section, the driver of a school bus in the
28 process of loading or unloading students upon a street or highway shall activate the mechanical
29 and electrical signaling devices, in the manner prescribed by the state board of education, to
30 communicate to drivers of other vehicles that students are loading or unloading. A public school
31 district shall have the authority pursuant to this section to adopt a policy which provides that the
32 driver of a school bus in the process of loading or unloading students upon a divided highway
33 of four or more lanes may pull off of the main roadway and load or unload students without
34 activating the mechanical and electrical signaling devices in a manner which gives the signal for
35 other drivers to stop and may use the amber signaling devices to alert motorists that the school
36 bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes
37 and also provided that the emergency flashing signal lights are activated in a manner which
38 indicates that drivers should proceed with caution, and in such case, the driver of a vehicle may

39 proceed past the school bus with due caution. No driver of a school bus shall take on or
40 discharge passengers at any location upon a highway consisting of four or more lanes of traffic,
41 whether or not divided by a median or barrier, in such manner as to require the passengers to
42 cross more than two lanes of traffic; nor shall any passengers be taken on or discharged while
43 the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible
44 for at least five hundred feet in each direction to drivers of other vehicles in the case of a
45 highway with no shoulder and a speed limit greater than sixty miles per hour and at least three
46 hundred feet in each direction to drivers of other vehicles upon other highways, and on all
47 highways, only for such time as is actually necessary to take on and discharge passengers.

48 [5.] 6. The driver of a vehicle upon a highway with separate roadways need not stop
49 upon meeting or overtaking a school bus which is on a different roadway, or which is proceeding
50 in the opposite direction on a highway containing four or more lanes of traffic, or which is
51 stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access
52 highway at a point where pedestrians are not permitted to cross the roadway.

53 [6.] 7. The driver of any school bus driving upon the highways of this state after loading
54 or unloading school children, shall remain stopped if the bus is followed by three or more
55 vehicles, until such vehicles have been permitted to pass the school bus, if the conditions
56 prevailing make it safe to do so.

57 [7.] 8. If any vehicle is witnessed by a peace officer or the driver of a school bus to have
58 violated the provisions of this section and the identity of the operator is not otherwise apparent,
59 it shall be a rebuttable presumption that the person in whose name such vehicle is registered
60 committed the violation. In the event that charges are filed against multiple owners of a motor
61 vehicle, only one of the owners may be convicted and court costs may be assessed against only
62 one of the owners. If the vehicle which is involved in the violation is registered in the name of
63 a rental or leasing company and the vehicle is rented or leased to another person at the time of
64 the violation, the rental or leasing company may rebut the presumption by providing the peace
65 officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time
66 of the violation. No prosecuting authority may bring any legal proceedings against a rental or
67 leasing company under this section unless prior written notice of the violation has been given to
68 that rental or leasing company by registered mail at the address appearing on the registration and
69 the rental or leasing company has failed to provide the rental or lease agreement copy within
70 fifteen days of receipt of such notice.

71 [8.] 9. Notwithstanding the provisions in section 301.130, RSMo, every school bus shall
72 be required to have two license plates.

307.375. 1. The owner of every bus used to transport children to or from school in
2 addition to any other inspection required by law shall submit the vehicle to an official inspection

3 station, and obtain a certificate of inspection, sticker, seal or other device annually, but the
4 inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle
5 during the school year. The inspection shall, in addition to the inspection of the mechanism and
6 equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390,
7 include an inspection to ascertain that the following items are correctly fitted, adjusted, and in
8 good working condition:

- 9 (1) All mirrors, including crossview, inside, and outside;
- 10 (2) The front and rear warning flashers;
- 11 (3) The stop signal arm;
- 12 (4) The crossing control arm on public school buses required to have them pursuant to
13 section 304.050, RSMo;
- 14 (5) The rear bumper to determine that it is flush with the bus so that hitching of rides
15 cannot occur;
- 16 (6) The exhaust tailpipe shall be flush with or may extend not more than two inches
17 beyond the perimeter of the body or bumper;
- 18 (7) The emergency doors and exits to determine them to be unlocked and easily opened
19 as required;
- 20 (8) The lettering and signing on the front, side and rear of the bus;
- 21 (9) The service door;
- 22 (10) The step treads;
- 23 (11) The aisle mats or aisle runners;
- 24 (12) The emergency equipment which shall include as a minimum, a first aid kit, flares
25 or fuses, and a fire extinguisher;
- 26 (13) The seats, including a determination that they are securely fastened to the floor;
- 27 (14) The emergency door buzzer;
- 28 (15) All hand hold grips;
- 29 (16) The interior glazing of the bus.

30 2. In addition to the inspection required by subsection 1 of this section, the Missouri state
31 highway patrol shall conduct an inspection after February first of each school year of all vehicles
32 required to be marked as school buses under section 304.050, RSMo. This inspection shall be
33 conducted by the Missouri highway patrol in cooperation with the department of elementary and
34 secondary education and shall include, as a minimum, items in subsection 1 of this section and
35 the following:

- 36 (1) The driver seat belts, **and beginning with the 2004-2005 school year, the**
37 **passenger seat belts;**
- 38 (2) The heating and defrosting systems;

39 (3) The reflectors;

40 (4) The bus steps;

41 (5) The aisles.

42 3. If, upon inspection, conditions which violate the standards in subsection 2 of this
43 section are found, the owner or operator shall have them corrected in ten days and notify the
44 superintendent of the Missouri state highway patrol or those persons authorized by the
45 superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus
46 shall not be used until corrections are made and the superintendent of the Missouri state highway
47 patrol or those persons authorized by the superintendent are notified.

48 4. The Missouri highway patrol may inspect any school bus at any time and if such
49 inspection reveals a deficiency affecting the safe operation of the bus, the provisions of
50 subsection 3 of this section shall be applicable.

**488.028. A surcharge of one dollar for each motor vehicle moving violation, as
2 defined in section 302.010, RSMo, shall be assessed and collected. The surcharge collected
3 under this section shall be credited to the school bus seat belt fund established in section
4 160.1050, RSMo.**