

SECOND REGULAR SESSION

# HOUSE BILL NO. 2849

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE EALY.

6275H.011

JOSEPH ENGLER, Chief Clerk

## AN ACT

To amend chapters 177 and 307, RSMo, by adding thereto two new sections relating to school buses.

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

Section A. Chapters 177 and 307, RSMo, are amended by adding thereto two new sections, to be known as sections 177.089 and 307.377, to read as follows:

**177.089. 1. The provisions of this section shall apply to the furnishing of transportation of pupils in school districts to and from school using school buses that are zero-emission vehicles and for the lease or rental of school buses that are zero-emission vehicles.**

**2. If a continuing contract for the furnishing of transportation of pupils in school districts is made, it shall be for a term not to exceed fifteen years. A contract is renewable at the option of the school district and the party contracting to provide transportation services, jointly, at the end of the term of the contract. The contract as renewed shall include all of the terms and conditions of the previous contract, including any provisions increasing rates based on increased costs.**

**3. A continuing contract may be made for the lease or rental of school buses, not to exceed fifteen years, except that if a lease or rental contract provides that the school district may exercise an option either to purchase the buses or to cancel the lease at the end of each annual period during the period of the contract, the contract may be made for a term not to exceed twenty years.**

**4. Notwithstanding any other law to the contrary, a continuing contract executed under this section may be negotiated annually within the contract period when**

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

18 economic factors indicate negotiation is necessary to maintain an equitable pricing  
19 structure. Renegotiation is subject to the approval of both contracting parties.

20 5. Any rental, lease, or lease-purchase of a school bus shall comply with the  
21 provisions of this chapter.

307.377. 1. As used in this section, "school bus" means a commercial motor  
2 vehicle, either publicly or privately owned, used by a school district to transport early  
3 childhood education, elementary, or secondary school pupils from home to school, from  
4 school to home, or to and from school-sponsored events for educational purposes. The  
5 term "school bus" shall not include any:

6 (1) Bus operated by a public utility, municipal corporation, or common carrier  
7 authorized to conduct local or interstate transportation of passengers when such bus is  
8 not traveling a specific school bus route but is:

9 (a) On a regularly scheduled route for the transportation of fare-paying  
10 passengers; or

11 (b) Furnishing charter service for the transportation of persons enrolled as  
12 students on field trips or other special trips or in connection with other special events; or

13 (2) Passenger cars, multipurpose passenger vehicles, and trucks as defined in 49  
14 CFR part 571, as amended.

15 2. Beginning January 1, 2037, one hundred percent of all newly purchased or  
16 contracted school buses shall be zero-emission vehicles where feasible.

17 3. If a school district determines that the purchase or contracting of a zero-  
18 emission school bus is not feasible due to both terrain and route constraints, the school  
19 district may request a one-time extension for a term not to exceed five years in order to  
20 meet the requirements of subsection 2 of this section, provided that the following  
21 conditions are met:

22 (1) The school district can reasonably demonstrate that a daily planned bus  
23 route for transporting pupils to and from school cannot be serviced through available  
24 zero-emission technology in 2037; and

25 (2) The department of natural resources, in consultation with the Missouri air  
26 conservation commission, receives and evaluates a school district's request and grants a  
27 one-time extension based on the local school district reasonably demonstrating the  
28 condition in subdivision (1) of this subsection.

29 4. Beginning January 1, 2042, if a school district with an average daily  
30 attendance of three hundred fifty or fewer pupils determines that the purchase or  
31 contracting of a zero-emission school bus is not feasible due to both terrain and route  
32 constraints, such school district may request annual extensions, with the last extension

33 expiring on January 1, 2047, in order to meet the requirements in subsection 2 of this  
34 section, provided that the following conditions are met:

35 (1) The school district can reasonably demonstrate that a daily planned bus  
36 route for transporting pupils to and from school cannot be serviced through available  
37 zero-emission technology in the period in which the annual waiver is sought; and

38 (2) The department of natural resources, in consultation with the Missouri air  
39 conservation commission, receives and evaluates the school district's request and grants  
40 an annual extension based on the local school district reasonably demonstrating the  
41 condition in subdivision (1) of this subsection.

✓