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An Act

HOUSE BILL 10-1232

BY REPRESENTATIVE(S) Baumgardner, Benefield, Bradford, Frangas, Kerr J., Lambert, Murray, Nikkel, Pace, Schafer S., Summers, Tipton, Vigil, Waller;
also SENATOR(S) King K., Shaffer B.

CONCERNING THE DEFINITION OF SCHOOL VEHICLES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 16-14-105 (1) (k.5), Colorado Revised Statutes, is amended to read:

16-4-105. Selection by judge of the amount of bail and type of bond - criteria. (1) In determining the amount of bail and the type of bond to be furnished by the defendant, the judge fixing the same shall consider and be governed by the following criteria:

(k.5) The fact that the defendant is accused of unlawfully using or distributing controlled substances on the grounds of any public or private elementary, middle, or secondary school, or within one thousand feet of the perimeter of any such school grounds on any street, alley, parkway, sidewalk, public park, playground, or other area of premises ~~which~~ THAT is accessible to the public, or within any private dwelling ~~which~~ THAT is

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

accessible to the public for the purpose of the sale, distribution, use, or exchange of controlled substances in violation of article 18 of title 18, C.R.S., or in any school bus VEHICLE, AS DEFINED IN SECTION 42-1-102 (88.5), C.R.S., engaged in the transportation of persons who are students; ~~at any public or private elementary, middle, or secondary school;~~

SECTION 2. 18-18-407 (2) (a), Colorado Revised Statutes, is amended to read:

18-18-407. Special offender. (2) (a) A defendant shall be a special offender if the defendant is convicted of selling, distributing, possessing with intent to distribute, manufacturing, or attempting to manufacture any controlled substance in violation of section 18-18-405 either within or upon the grounds of any public or private elementary, middle, junior high, or high school, vocational school, or public housing development, or within one thousand feet of the perimeter of any such school or public housing development grounds on any street, alley, parkway, sidewalk, public park, playground, or other area or premises that is accessible to the public, or within any private dwelling that is accessible to the public for the purpose of the sale, distribution, use, exchange, manufacture, or attempted manufacture of controlled substances in violation of this article, or in any school bus VEHICLE, as defined in ~~section 42-1-102 (88)~~ SECTION 42-1-102 (88.5), C.R.S., while such school bus VEHICLE is engaged in the transportation of persons who are students. ~~at any public or private elementary, middle, junior high, or high school.~~ The court is required in addition to imposing the sentence to imprisonment in the department of corrections required by subsection (1) of this section, to fine the defendant without suspension at least twice the minimum fine provided for in section 18-1.3-401 (1) (a) (III) if the defendant's offense is a felony or in section 18-1.3-501 (1) if the defendant's offense is a misdemeanor.

SECTION 3. 22-23-106 (6), Colorado Revised Statutes, is amended to read:

22-23-106. Summer schools. (6) Each school district participating in the summer school program shall be reimbursed from state funds for actual costs incurred in the operation of ~~such~~ THE program, including allotments for classroom units and supervisory units based upon the formulas set forth in section 22-23-107. ~~Such~~ THE school district shall also receive reimbursement, under rules ~~and regulations~~ of the state board, for

the net cost of its school lunch operation and for school ~~bus~~ VEHICLE operations at rates fixed by the state board. School districts shall report all such costs on forms prescribed by the state board.

SECTION 4. 22-32-109.1 (2) (a) (II) and (2) (a) (X), Colorado Revised Statutes, are amended to read:

22-32-109.1. Board of education - specific powers and duties - safe schools. (2) **Safe school plan.** In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, each school district board of education shall adopt and implement a safe school plan, or review and revise, if necessary, any existing plans or policies already in effect, which shall include, but not be limited to, the following:

(a) **Conduct and discipline code.** A concisely written conduct and discipline code that shall be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The code shall include, but shall not be limited to:

(II) General policies and procedures for dealing with students who cause a disruption in the classroom, on school grounds, in school vehicles, AS DEFINED IN SECTION 42-1-102 (88.5), C.R.S., or at school activities or sanctioned events, including a specific policy allowing a teacher to remove a disruptive student from his or her classroom and, upon the third such removal from a teacher's class, to remove the disruptive student from such teacher's class for the remainder of the term of the class. The general policies and procedures shall include a due process procedure, which at a minimum shall require that, as soon as possible after a removal, the teacher or the school principal shall contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. A behavior plan may be developed after the first such removal from class, and shall be developed after the second such removal from class. Any policy or procedure adopted shall comply with applicable federal and state laws, including, but not limited to laws

regarding students with disabilities.

(X) On and after August 8, 2001, a specific policy concerning bullying prevention and education. For purposes of this subparagraph (X), "bullying" means any written or verbal expression, or physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated school ~~bus~~ VEHICLE stop, or at school activities or sanctioned events. The school district's policy shall include a reasonable balance between the pattern and the severity of such bullying behavior.

SECTION 5. 22-32-110 (1) (v), Colorado Revised Statutes, is amended to read:

22-32-110. Board of education - specific powers. (1) In addition to any other power granted to a board of education of a school district by law, each board of education of a school district shall have the following specific powers, to be exercised in its judgment:

(v) To procure liability and property damage insurance on school ~~buses or motor vehicles owned or rented by the school district~~ VEHICLES, AS DEFINED IN SECTION 42-1-102 (88.5), C.R.S., and to procure accident insurance covering the medical expenses incurred by any pupil who is injured while being furnished transportation by the school district pursuant to section 22-32-113, including injury received in the course of entering or alighting from any school ~~bus~~ VEHICLE or other means of transportation furnished by the school district;

SECTION 6. 22-32-113 (4), Colorado Revised Statutes, is amended to read:

22-32-113. Transportation of pupils - when. (4) A board may reimburse a parent or guardian for the expenses incurred by such parent or guardian in furnishing transportation to and from a public school or DESIGNATED school ~~bus line~~ VEHICLE STOP for his OR HER child or children and for other pupils enrolled in the schools of the district; but the board may not reimburse any person for transportation furnished to a pupil resident in another school district without the consent of the board or other governing body of the district of residence. The amount and payment of such expenses shall be as determined by the board paying such expenses.

SECTION 7. 22-32-128, Colorado Revised Statutes, is amended to read:

22-32-128. Use of school vehicles by residents of district. At times to be specified by the board, ~~motor~~ SCHOOL vehicles used for the transportation of pupils pursuant to the provisions of section 22-32-113 shall be available to groups of five or more residents of the district who are sixty-five years of age or older for use within or without the district. The board of education of each school district of the state shall adopt policies regarding the reasonable use of such vehicles by groups of persons with special consideration being given those residents who are sixty-five years of age or older. Such ~~motor~~ SCHOOL vehicles shall be covered by an insurance policy similar to, with limits not less than, the insurance coverage which is in effect while said ~~motor~~ SCHOOL vehicles are used for the transportation of pupils. To the extent that such policies provide for the reimbursement to the school district of all the expenses of the operation of such ~~motor~~ SCHOOL vehicles as determined by the school district auditor, no such reimbursement shall constitute compensation, and it shall not subject the school district to the provisions of article 10 or 11 of title 40, C.R.S. The miles traveled and the costs expended under this article shall not be allowable for the computation of benefits accruing to a school district under the provisions of article 51 of this title.

SECTION 8. 22-33-106 (1) (c.5) (II), Colorado Revised Statutes, is amended to read:

22-33-106. Grounds for suspension, expulsion, and denial of admission. (1) The following shall be grounds for suspension or expulsion of a child from a public school during a school year:

(c.5) (II) For purposes of this paragraph (c.5), "habitually disruptive student" means a child who has been suspended pursuant to paragraph (a), (b), (c), or (d) of this subsection (1) three times during the course of the school year for causing a material and substantial disruption in the classroom, on school grounds, on A school ~~vehicles~~ VEHICLE, AS DEFINED IN SECTION 42-1-102 (88.5), C.R.S., or at school activities or events, because of behavior that was initiated, willful, and overt on the part of the child. Any student who is enrolled in a public school may be subject to being declared an habitually disruptive student.

SECTION 9. 22-45-103 (1) (c) (I) (E) and (1) (c) (II), Colorado Revised Statutes, are amended to read:

22-45-103. Funds. (1) The following funds are created for each school district for purposes specified in this article:

(c) **Capital reserve fund.** (I) Moneys allocated pursuant to the provisions of section 22-54-105 (2) shall be transferred from the general fund and recorded in the capital reserve fund along with the revenues received pursuant to section 39-5-132, C.R.S. Such revenues may be supplemented by gifts, donations, and tuition receipts. Unencumbered moneys in the fund may be transferred to a fund or an account within the general fund established in accordance with generally accepted accounting principles solely for the management of risk-related activities as identified in section 24-10-115, C.R.S., and article 13 of title 29, C.R.S., by resolution of the board of education when such transfer is deemed necessary by the board. Except as provided in subparagraph (V) of this paragraph (c), expenditures from the fund shall be limited to long-range capital outlay expenditures and shall be made only for the following purposes:

(E) Acquisition of A school ~~buses~~ VEHICLE, AS DEFINED IN SECTION 42-1-102 (88.5), C.R.S., or other equipment, except equipment specified in sub-subparagraph (H) of this subparagraph (I);

(II) Expenditures from the fund, other than for installment purchase agreements with an option to purchase, as provided in subparagraph (II.5) of this paragraph (c), shall be authorized by a resolution adopted by the board of education of a school district at any regular or special meeting of the board. The resolution shall specifically set forth the purpose of the expenditure, the estimated total cost of the project, the location of the structure to be constructed, added to, altered, or repaired, a description of any school ~~buses~~ VEHICLES or equipment to be purchased, and where such equipment will be installed.

SECTION 10. 42-1-102 (88), Colorado Revised Statutes, is amended, and the said 42-1-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-1-102. Definitions. As used in articles 1 to 4 of this title, unless the context otherwise requires:

(88) "School bus" means ~~every~~ A motor vehicle ~~which is owned by or under contract to a public or governmental agency and operated~~ THAT IS DESIGNED AND USED SPECIFICALLY for the transportation of SCHOOL children to or from A PUBLIC OR PRIVATE school or ~~any school-sponsored activities, or which is privately owned and operated for compensation but~~ it A SCHOOL-RELATED ACTIVITY, WHETHER THE ACTIVITY OCCURS WITHIN OR WITHOUT THE TERRITORIAL LIMITS OF ANY DISTRICT AND WHETHER OR NOT THE ACTIVITY OCCURS DURING SCHOOL HOURS. "SCHOOL BUS" does not include informal or intermittent arrangements, such as sharing of actual gasoline expense or participation in a car pool, for the transportation of SCHOOL children to or from A PUBLIC OR PRIVATE school or ~~any school-sponsored activities~~ A SCHOOL-RELATED ACTIVITY.

(88.5) (a) "SCHOOL VEHICLE" MEANS A MOTOR VEHICLE, INCLUDING BUT NOT LIMITED TO A SCHOOL BUS, THAT IS OWNED BY OR UNDER CONTRACT TO A PUBLIC OR PRIVATE SCHOOL AND OPERATED FOR THE TRANSPORTATION OF SCHOOL CHILDREN TO OR FROM SCHOOL OR A SCHOOL-RELATED ACTIVITY.

(b) "SCHOOL VEHICLE" DOES NOT INCLUDE:

(I) INFORMAL OR INTERMITTENT ARRANGEMENTS, SUCH AS SHARING OF ACTUAL GASOLINE EXPENSE OR PARTICIPATION IN A CAR POOL, FOR THE TRANSPORTATION OF SCHOOL CHILDREN TO OR FROM A PUBLIC OR PRIVATE SCHOOL OR A SCHOOL-RELATED ACTIVITY; OR

(II) A MOTOR VEHICLE THAT IS OWNED BY OR UNDER CONTRACT TO A CHILD CARE CENTER, AS DEFINED IN SECTION 26-6-102 (1.5), C.R.S., AND THAT IS USED FOR THE TRANSPORTATION OF CHILDREN WHO ARE SERVED BY THE CHILD CARE CENTER.

SECTION 11. 42-2-105 (1), Colorado Revised Statutes, is amended to read:

42-2-105. Special restrictions on certain drivers. (1) ~~No~~ A person under the age of eighteen years shall NOT drive any motor vehicle used to transport explosives or inflammable material or any motor vehicle used as a school ~~bus~~ VEHICLE for the transportation of pupils to or from school. ~~No~~ A person under the age of eighteen years shall NOT drive a motor vehicle used as a commercial, private, or common carrier of persons

or property unless such person has experience in operating motor vehicles and has been examined on such person's qualifications in operating such vehicles. The examination shall include safety regulations of commodity hauling, and the driver shall be licensed as a driver or a minor driver who is eighteen years of age or older.

SECTION 12. 42-4-229 (1), Colorado Revised Statutes, is amended to read:

42-4-229. Safety glazing material in motor vehicles. (1) No person shall sell any new motor vehicle, nor shall any new motor vehicle be registered, unless such vehicle is equipped with safety glazing material of a type approved by the department for any required front windshield and wherever glazing material is used in doors and windows of said motor vehicle. This section shall apply to all passenger-type motor vehicles, including passenger buses and school ~~buses~~ VEHICLES, but, in respect to camper coaches and trucks, including truck tractors, the requirements as to safety glazing material shall apply only to all glazing material used in required front windshields and that used in doors and windows in the drivers' compartments and such other compartments as are lawfully occupied by passengers in said vehicles.

SECTION 13. 42-4-707 (5) (b), Colorado Revised Statutes, is amended to read:

42-4-707. Certain vehicles must stop at railroad grade crossings. (5) For the purposes of this section:

(b) "School bus" means ~~only those school buses that are~~ A SCHOOL BUS THAT IS required to bear on the front and rear of such school bus the words "SCHOOL BUS" and display visual signal lights pursuant to section 42-4-1903 (2) (a).

SECTION 14. Repeal. 42-4-1901 (3) (b), Colorado Revised Statutes, is repealed as follows:

42-4-1901. School buses - equipped with supplementary brake retarders. (3) For purposes of this section and section 42-4-1902:

(b) ~~"School bus" means any bus used to transport students to and~~

~~from school or a school-sponsored activity, whether said activity occurs within or without the territorial limits of any district and whether or not occurring during school hours.~~

SECTION 15. 42-4-1902, Colorado Revised Statutes, is amended to read:

42-4-1902. School vehicle drivers - special training required. On and after July 1, 1992, the driver of any school bus ~~as defined in section 42-4-1901(3)(b)~~; VEHICLE AS DEFINED IN SECTION 42-1-102 (88.5), C.R.S., owned or operated by or for any school district in this state shall have successfully completed training, approved by the department of education, concerning driving on mountainous terrain, as defined in section 42-4-1901 (3) (a), and driving in adverse weather conditions.

SECTION 16. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
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Karen Goldman
SECRETARY OF
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APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO