

SENATE BILL NO. 958

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

4479S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 302.010 and 304.060, RSMo, and to enact in lieu thereof two new sections relating to transportation of school children.

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

Section A. Sections 302.010 and 304.060, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 302.010 and 304.060, to read as follows:

302.010. Except where otherwise provided, when used in
2 this chapter, the following words and phrases mean:

3 (1) "Circuit court", each circuit court in the state;

4 (2) "Commercial motor vehicle", a motor vehicle
5 designed or regularly used for carrying freight and
6 merchandise, or more than fifteen passengers;

7 (3) "Conviction", any final conviction; also a
8 forfeiture of bail or collateral deposited to secure a
9 defendant's appearance in court, which forfeiture has not
10 been vacated, shall be equivalent to a conviction, except
11 that when any conviction as a result of which points are
12 assessed pursuant to section 302.302 is appealed, the term
13 "conviction" means the original judgment of conviction for
14 the purpose of determining the assessment of points, and the
15 date of final judgment affirming the conviction shall be the
16 date determining the beginning of any license suspension or
17 revocation pursuant to section 302.304;

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 (4) "Criminal history check", a search of criminal
19 records, including criminal history record information as
20 defined in section 43.500, maintained by the Missouri state
21 highway patrol in the Missouri criminal records repository
22 or by the Federal Bureau of Investigation as part of its
23 criminal history records, including, but not limited to, any
24 record of conviction, plea of guilty or nolo contendere, or
25 finding of guilty in any state for any offense related to
26 alcohol, controlled substances, or drugs;

27 (5) "Director", the director of revenue acting
28 directly or through the director's authorized officers and
29 agents;

30 (6) "Farm tractor", every motor vehicle designed and
31 used primarily as a farm implement for drawing plows, mowing
32 machines and other implements of husbandry;

33 (7) "Highway", any public thoroughfare for vehicles,
34 including state roads, county roads and public streets,
35 avenues, boulevards, parkways, or alleys in any municipality;

36 (8) "Incompetent to drive a motor vehicle", a person
37 who has become physically incapable of meeting the
38 prescribed requirements of an examination for an operator's
39 license, or who has been adjudged by a probate division of
40 the circuit court in a capacity hearing of being
41 incapacitated;

42 (9) "License", a license issued by a state to a person
43 which authorizes a person to operate a motor vehicle;

44 (10) "Motor vehicle", any self-propelled vehicle not
45 operated exclusively upon tracks except motorized bicycles,
46 as defined in section 307.180 and electric bicycles, as
47 defined in section 301.010;

48 (11) "Motorcycle", a motor vehicle operated on two
49 wheels; however, this definition shall not include motorized

50 bicycles or electric bicycles as such terms are defined in
51 section 301.010;

52 (12) "Motortricycle", a motor vehicle operated on
53 three wheels, including a motorcycle operated with any
54 conveyance, temporary or otherwise, requiring the use of a
55 third wheel, but excluding an electric bicycle as defined in
56 section 301.010;

57 (13) "Moving violation", that character of traffic
58 violation where at the time of violation the motor vehicle
59 involved is in motion, except that the term does not include
60 the driving of a motor vehicle without a valid motor vehicle
61 registration license, or violations of sections 304.170 to
62 304.240, inclusive, relating to sizes and weights of
63 vehicles;

64 (14) "Municipal court", every division of the circuit
65 court having original jurisdiction to try persons for
66 violations of city ordinances;

67 (15) "Nonresident", every person who is not a resident
68 of this state;

69 (16) "Operator", every person who is in actual
70 physical control of a motor vehicle upon a highway;

71 (17) "Owner", a person who holds the legal title of a
72 vehicle or in the event a vehicle is the subject of an
73 agreement for the conditional sale or lease thereof with the
74 right of purchase upon performance of the conditions stated
75 in the agreement and with an immediate right of possession
76 vested in the conditional vendee or lessee, or in the event
77 a mortgagor of a vehicle is entitled to possession, then
78 such conditional vendee or lessee or mortgagor shall be
79 deemed the owner for the purpose of sections 302.010 to
80 302.540;

81 (18) "Record" includes, but is not limited to, papers,
82 documents, facsimile information, microphotographic process,
83 electronically generated or electronically recorded
84 information, digitized images, deposited or filed with the
85 department of revenue;

86 (19) "Residence address", "residence", or "resident
87 address" shall be the location at which a person has been
88 physically present, and that the person regards as home. A
89 residence address is a person's true, fixed, principal, and
90 permanent home, to which a person intends to return and
91 remain, even though currently residing elsewhere;

92 (20) "Restricted driving privilege", a sixty-day
93 driving privilege issued by the director of revenue
94 following a suspension of driving privileges for the limited
95 purpose of driving in connection with the driver's business,
96 occupation, employment, formal program of secondary,
97 postsecondary or higher education, or for an alcohol
98 education or treatment program or certified ignition
99 interlock provider, or a ninety-day interlock restricted
100 privilege issued by the director of revenue for the limited
101 purpose of driving in connection with the driver's business,
102 occupation, employment, seeking medical treatment for such
103 driver or a dependent family member, attending school or
104 other institution of higher education, attending alcohol- or
105 drug-treatment programs, seeking the required services of a
106 certified ignition interlock provider, fulfilling court
107 obligations, including required appearances and probation
108 and parole obligations, religious services, the care of a
109 child or children, including scheduled visitation or
110 custodial obligations pursuant to a court order, fueling
111 requirements for any vehicle utilized, and seeking basic
112 nutritional requirements;

113 (21) "School bus", when used in sections 302.010 to
114 302.540, means any motor vehicle, either publicly or
115 privately owned, **designed for carrying more than ten**
116 **passengers, that is** used to transport students to and from
117 school, or to transport pupils properly chaperoned to and
118 from any place within the state for educational purposes.
119 The term "school bus" shall not include a bus operated by a
120 public utility, municipal corporation or common carrier
121 authorized to conduct local or interstate transportation of
122 passengers when such bus is not traveling a specific school
123 bus route but is:

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

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

129 (22) "School bus operator", an operator who operates a
130 school bus as defined in subdivision (21) of this section in
131 the transportation of any schoolchildren and who receives
132 compensation for such service. The term "school bus
133 operator" shall not include any person who transports
134 schoolchildren as an incident to employment with a school or
135 school district, such as a teacher, coach, administrator,
136 secretary, school nurse, or janitor unless such person is
137 under contract with or employed by a school or school
138 district as a school bus operator;

139 (23) "Signature", any method determined by the
140 director of revenue for the signing, subscribing or
141 verifying of a record, report, application, driver's
142 license, or other related document that shall have the same
143 validity and consequences as the actual signing by the

144 person providing the record, report, application, driver's
145 license or related document;

146 (24) "Substance abuse traffic offender program", a
147 program certified by the division of alcohol and drug abuse
148 of the department of mental health to provide education or
149 rehabilitation services pursuant to a professional
150 assessment screening to identify the individual needs of the
151 person who has been referred to the program as the result of
152 an alcohol- or drug-related traffic offense. Successful
153 completion of such a program includes participation in any
154 education or rehabilitation program required to meet the
155 needs identified in the assessment screening. The
156 assignment recommendations based upon such assessment shall
157 be subject to judicial review as provided in subsection 14
158 of section 302.304 and subsections 1 and 5 of section
159 302.540;

160 (25) "Vehicle", any mechanical device on wheels,
161 designed primarily for use, or used on highways, except
162 motorized bicycles, electric bicycles, vehicles propelled or
163 drawn by horses or human power, or vehicles used exclusively
164 on fixed rails or tracks, or cotton trailers or motorized
165 wheelchairs operated by handicapped persons.

304.060. 1. The state board of education shall adopt
2 and enforce regulations not inconsistent with law to cover
3 the design and operation of all school buses used for the
4 transportation of school children when owned and operated by
5 any school district or privately owned and operated under
6 contract with any school district in this state, and such
7 regulations shall by reference be made a part of any such
8 contract with a school district. **School districts shall**
9 **have the authority to use vehicles other than school buses**
10 **for the purpose of transporting school children.** The state

11 board of education may adopt rules and regulations governing
12 the use of other vehicles owned by a district or operated
13 under contract with any school district in this state and
14 used for the purpose of transporting school children, **except**
15 **motor vehicles operating under sections 387.400 to 387.440.**

16 [The operator of such vehicle shall be licensed in
17 accordance with section 302.272, and such vehicle] **Vehicles**
18 **other than school buses** shall transport no more children
19 than the manufacturer suggests as appropriate for such
20 vehicle, **and shall meet any additional requirements of the**
21 **school district.** The state board of education may also
22 adopt rules and regulations governing the use of authorized
23 common carriers for the transportation of students on field
24 trips or other special trips for educational purposes.

25 Every school district, its officers and employees, and every
26 person employed under contract by a school district shall be
27 subject to such regulations. The state board of education
28 shall cooperate with the state transportation department and
29 the state highway patrol in placing suitable warning signs
30 at intervals on the highways of the state.

31 2. Notwithstanding the provisions of subsection 1 of
32 this section, any school board in the state of Missouri in
33 an urban district containing the greater part of the
34 population of a city which has more than three hundred
35 thousand inhabitants may contract with any municipality, bi-
36 state agency, or other governmental entity for the purpose
37 of transporting school children attending a grade or grades
38 not lower than the ninth nor higher than the twelfth grade,
39 provided that such contract shall be for additional
40 transportation services, and shall not replace or fulfill
41 any of the school district's obligations pursuant to section

42 167.231. The school district may notify students of the
43 option to use district-contracted transportation services.

44 3. Any officer or employee of any school district who
45 violates any of the regulations or fails to include
46 obligation to comply with such regulations in any contract
47 executed by him on behalf of a school district shall be
48 guilty of misconduct and subject to removal from office or
49 employment. Any person operating a school bus under
50 contract with a school district who fails to comply with any
51 such regulations shall be guilty of breach of contract and
52 such contract shall be cancelled after notice and hearing by
53 the responsible officers of such school district.

54 4. Any other provision of the law to the contrary
55 notwithstanding, in any county of the first class with a
56 charter form of government adjoining a city not within a
57 county, school buses may bear the word "special".

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