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HOUSE BILL 161

**56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

INTRODUCED BY

Cathrynn N. Brown and Jenifer Jones

AN ACT

RELATING TO EDUCATION; REQUIRING CERTAIN SCHOOL BUSES PURCHASED ON OR AFTER JULY 1, 2025 TO HAVE AIR CONDITIONING AND SEAT BELTS; PROVIDING FOR THE CALCULATION OF SCHOOL BUS SEATING CAPACITY; REQUIRING TRAINING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] SCHOOL BUS STANDARDS--AIR CONDITIONING--SEATING CAPACITY--RULES.--

A. The department shall adopt rules to ensure that all school buses purchased on or after July 1, 2025, whether school district-owned or contractor-owned, shall be equipped with:

- (1) air conditioning if they are operated in

underscored material = new  
~~[bracketed material] = delete~~

1 school districts in which temperatures are regularly high  
2 enough to pose a risk to students riding in a school bus  
3 without air conditioning; and

4 (2) seat belts for all passengers; provided  
5 that the owner or operator of a school bus shall not be liable  
6 for injuries arising out of a passenger's failure to use a seat  
7 belt.

8 B. In determining the seating capacity of school  
9 buses used for the transportation of school children when the  
10 buses are owned and operated by a school district or privately  
11 owned and operated under contract with a school district, the  
12 department shall adopt rules providing that seating shall not  
13 exceed:

14 (1) three students, when the combined seated  
15 width of those students is more than the actual width of the  
16 seat; and

17 (2) two students, when the combined seated  
18 width of those students is more than the actual width of the  
19 seat.

20 C. The department shall ensure that all school bus  
21 drivers receive training that includes standardized training in  
22 the determination of the legal capacity when loading children  
23 and the procedure for reporting an overload condition."