

104TH CONGRESS
1ST SESSION

H. R. 1884

To provide for school bus safety, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 1995

Mr. TRAFICANT introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Economic and Educational Opportunities and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for school bus safety, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “School Bus Safety
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act, the following definitions apply:

8 (1) BUS.—The term “bus” means a motor vehi-
9 cle with motive power, except a trailer, designed for
10 carrying more than 10 persons.

1 bus driver referred to in subsection (a) shall demonstrate
2 (at such interval as the Secretary shall prescribe) to the
3 employer of the driver, the school district, the State licens-
4 ing agency, or other person or agency responsible for regu-
5 lating school bus drivers the proficiency of such driver in
6 operating a school bus in accordance with the proficiency
7 standards prescribed under subsection (a) or the pro-
8 ficiency standards established by the State concerned, as
9 the case may be.

10 **SEC. 4. GUIDELINES FOR SAFE TRANSPORTATION OF CHIL-**
11 **DREN BY SCHOOL BUS.**

12 The Administrator of the National Highway Traffic
13 Safety Administration shall develop and disseminate
14 guidelines on the safe transportation in school buses of
15 children under the age of 5. Such guidelines shall include
16 recommendations for the evacuation of such children from
17 such buses in the event of an emergency.

18 **SEC. 5. IMPROVED INTERSTATE SCHOOL BUS SAFETY.**

19 (a) **APPLICABILITY OF FEDERAL MOTOR CARRIER**
20 **SAFETY REGULATIONS TO INTERSTATE SCHOOL BUS OP-**
21 **ERATIONS.**—Section 31136 of title 49, United States
22 Code, is amended—

23 (1) by striking the second sentence of sub-
24 section (e); and

1 (2) by adding at the end the following new sub-
2 section:

3 “(g) APPLICABILITY TO SCHOOL TRANSPORTATION
4 OPERATIONS OF LOCAL EDUCATION AGENCIES.—Not
5 later than 6 months after the date of the enactment of
6 this subsection, the Secretary shall issue regulations mak-
7 ing the relevant commercial motor carrier safety regula-
8 tions issued under subsection (a) applicable to all inter-
9 state school transportation operations by local educational
10 agencies (as defined in section 14101 of the Elementary
11 and Secondary Education Act of 1965).”.

12 (b) EDUCATION PROGRAM.—Not later than 6 months
13 after the date of the enactment of this Act, the Secretary
14 shall develop and implement an education program in-
15 forming all local educational agencies (as defined in sec-
16 tion 14101 of the Elementary and Secondary Education
17 Act of 1965) that they must comply with the Federal com-
18 mercial motor vehicle safety regulations issued under sec-
19 tion 31136 of title 49, United States Code, when providing
20 interstate transportation on a school bus vehicle to and
21 from school-sanctioned and school-related activities.

22 (c) COMPLIANCE REPORTS.—Each year for the first
23 4 years after the date of the enactment of this Act, the
24 Secretary shall submit to Congress by June 1 a report
25 describing in detail the status of compliance by private

1 motor carriers (for-hire) and local educational agencies in
2 meeting the requirements of section 31136 of title 49,
3 United States Code, and enforcement actions undertaken
4 by the Department of Transportation.

5 **SEC. 6. DEVELOPMENT OF INTELLIGENT VEHICLE-HIGH-**
6 **WAY SYSTEMS FOR SCHOOL BUS SAFETY.**

7 Section 6055(d) of the Intelligent Vehicle-Highway
8 Systems Act of 1991 (23 U.S.C. 307 note) is amended—

9 (1) by striking “and” at the end of paragraph
10 (2);

11 (2) by striking the period at the end of para-
12 graph (3) and inserting “; and”; and

13 (3) by adding at the end the following new
14 paragraph:

15 “(4) ensure that one or more operational tests
16 advance the use and reduce the cost of intelligent ve-
17 hicle-highway system technologies (including hazard
18 warning systems or sensors) that alert school bus
19 drivers of pedestrians or vehicles in, or approaching,
20 the path of the school bus.”.

21 **SEC. 7. TRAFFIC ENGINEERING ACTIVITIES TO IMPROVE**
22 **SCHOOL BUS SAFETY.**

23 Notwithstanding any other provision of law, the Sec-
24 retary shall ensure that each State receiving aid to con-
25 duct highway safety programs under section 402(c) of title

1 23, United States Code, shall utilize a portion (as deter-
2 mined by the Secretary) of such aid for the purpose of
3 conducting traffic engineering activities in order to im-
4 prove the safe operation of school buses. The Secretary
5 shall, to the maximum extent practicable, ensure that the
6 total amount utilized by such States for such purpose in
7 any fiscal year shall not be less than \$1,000,000.

8 **SEC. 8. DETERMINATION OF PRACTICABILITY AND FEA-**
9 **SIBILITY OF CERTAIN SAFETY AND ACCESS**
10 **REQUIREMENTS FOR SCHOOL BUSES.**

11 (a) COMMENCEMENT OF RULEMAKING PROCESS.—
12 Not later than 6 months after the date of the enactment
13 of this Act, the Secretary shall begin a rulemaking process
14 to determine the feasibility and practicability of the follow-
15 ing:

16 (1) A requirement for a decrease in the flam-
17 mability of the materials used in the construction of
18 the interiors of school buses.

19 (2) A requirement that individuals, school dis-
20 tricts, or companies that sell in the secondary mar-
21 ket school buses that may be used in interstate com-
22 merce inform purchasers of such buses that such
23 buses may not meet current National Highway
24 Transportation Safety Administration standards or

1 Federal Highway Administration standards with re-
2 spect to such buses.

3 (3) The establishment of construction, design,
4 and securement standards for wheelchairs used in
5 the transportation of students in school buses.

6 (b) FINAL RULE.—Not later than 2 years after the
7 date of the enactment of this Act, the Secretary shall pro-
8 mulgate a final rule providing for any requirement or
9 standard referred to in paragraph (1), (2), or (3) of sub-
10 section (a) that the Secretary determines to be feasible
11 and practicable.

12 **SEC. 9. DISSEMINATION OF INFORMATION ON SCHOOL BUS**
13 **SAFETY.**

14 (a) DISSEMINATION OF INFORMATION.—In carrying
15 out research on highway safety under section 403 of title
16 23, United States Code, the Secretary, in consultation
17 with the American Automobile Association, State edu-
18 cational agencies, the National Safety Council, and high-
19 way safety organizations, shall—

20 (1) improve existing materials on school bus
21 safety; and

22 (2) improve the distribution and availability of
23 such materials to schools for use by the student
24 safety patrols of such schools and to appropriate law
25 enforcement agencies.

1 (b) FUNDS.—Notwithstanding any other provision of
2 law, of the funds available to the Secretary for research
3 on highway safety and traffic conditions under such sec-
4 tion 403 in each of fiscal years 1995 through 2000,
5 \$100,000 shall be available in each such fiscal year for
6 the purposes of carrying out this section.

7 **SEC. 10. CRIMINAL BACKGROUND CHECKS OF SCHOOL BUS**
8 **DRIVERS.**

9 (a) PROHIBITION ON EMPLOYMENT PENDING
10 CHECK.—Notwithstanding any other provision of law and
11 except as provided in subsection (b), a local educational
12 agency, and any contractor providing school transpor-
13 tation services to such an agency, may not newly employ
14 a person as a driver of a school bus of or on behalf of
15 the agency before the completion of a background check
16 of the person in the national criminal history background
17 check system. The purpose of the check is to determine
18 whether the person has been convicted of a crime which
19 would warrant barring the person from duties as a driver
20 of a school bus.

21 (b) EXCEPTION.—A local educational agency or a
22 contractor may newly employ a person as a driver of a
23 school bus of or on behalf of the agency if a check of the
24 person is not completed by the end of the 21-day period
25 beginning on the date of the request for the check by the

1 agency. The agency or contractor may commence such em-
2 ployment beginning at the end of such 21-day period.

3 (c) CHECK PROCEDURES.—Each State shall establish
4 procedures for conducting checks under this section. Such
5 procedures shall include the designation of an agency of
6 the State to carry out the checks and shall meet the guide-
7 lines set forth in section 3(b) of the National Child Protec-
8 tion Act of 1993 (42 U.S.C. 5119a(b)).

9 (d) LIMITATION ON LIABILITY.—A local educational
10 agency or a contractor providing transportation services
11 to such an agency shall not be liable in an action for dam-
12 ages on the basis of a criminal conviction of a person em-
13 ployed by the agency or contractor as a school bus driver
14 if—

15 (1) a check of the person was conducted under
16 this section; and

17 (2) the conviction was not disclosed to the agen-
18 cy or contractor pursuant to the check.

19 (e) FEES.—

20 (1) IN GENERAL.—The Federal Bureau of In-
21 vestigation may impose and collect fees for the pro-
22 vision of assistance in the conduct of checks under
23 this section. The amount of such fees may not ex-
24 ceed the actual cost to the Federal Bureau of Inves-
25 tigation of providing such assistance.

1 (2) MONITORING.—The Attorney General shall
2 monitor the collection of fees under this subsection
3 for purposes of ensuring that—

4 (A) such fees are collected on a uniform
5 basis; and

6 (B) the amounts collected reflect only the
7 actual cost to the Federal Bureau of Investiga-
8 tion of providing assistance in the conduct of
9 background checks.

10 (f) DEFINITIONS.—In this section, the following defi-
11 nitions apply:

12 (1) LOCAL EDUCATIONAL AGENCY.—The term
13 “local educational agency” has the meaning given
14 such term in section 14101 of the Elementary and
15 Secondary Education Act of 1965 (20 U.S.C. 8801).

16 (2) NATIONAL CRIMINAL HISTORY BACK-
17 GROUND CHECK SYSTEM.—The term “national
18 criminal history background check system” has the
19 meaning given such term in section 5(6) of the Na-
20 tional Child Protection Act of 1993 (42 U.S.C.
21 5119c(6)).

22 (3) STATE.—The term “State” means each of
23 the 50 States, the District of Columbia, and the
24 Commonwealth of Puerto Rico.

25 (g) APPLICABILITY.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), this section shall apply to the new em-
3 ployment of persons by local educational agencies or
4 contractors beginning on the later of—

5 (A) the date that is 60 days after the date
6 of the enactment of this Act; or

7 (B) the date on which the State in which
8 the agencies or contractors are located estab-
9 lishes the procedures required under subsection
10 (c).

11 (2) EXCEPTIONS.—During the period beginning
12 on the date of the enactment of this Act and ending
13 on the date of the applicability of this section to a
14 local educational agency or contractor under para-
15 graph (1), the local educational agency or contractor
16 shall, to the maximum extent practicable, request
17 that the Federal Bureau of Investigation conduct a
18 background check with fingerprints of each person
19 newly employed by the local educational agency or
20 contractor as a school bus driver of or on behalf of
21 the local educational agency.

22 (h) FUNDING.—

23 (1) VIOLENCE PREVENTION PROGRAMS.—Sec-
24 tion 4116(b)(5) of the Elementary and Secondary
25 Education Act of 1965 (20 U.S.C. 7116(b)(5)) is

1 amended by striking “and neighborhood patrols”
2 and inserting “neighborhood patrols, and criminal
3 background checks of potential drivers of school
4 buses under section 5 of the School Bus Safety
5 Act.”.

6 (2) INNOVATIVE EDUCATION ASSISTANCE.—
7 Section 6301(b) of such Act (20 U.S.C. 7351(b)) is
8 amended—

9 (A) by striking “and” at the end of para-
10 graph (7);

11 (B) by striking the period at the end of
12 paragraph (8) and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(9) the carrying out of criminal background
15 checks of potential drivers of school buses under sec-
16 tion 4 of the School Bus Safety Act.”.

17 **SEC. 11. STUDY AND REPORT ON SCHOOL BUS SAFETY.**

18 (a) STUDY.—

19 (1) IN GENERAL.—The Secretary shall carry
20 out a study to determine the following:

21 (A) The usage of seat belts on school
22 buses.

23 (B) The extent to which public transit ve-
24 hicles are engaged in school bus operations.

1 (C) The point at which a public transit ve-
2 hicle is sufficiently engaged in such operations
3 as to be considered a school bus for purposes of
4 regulation under Federal law.

5 (D) The differences between school bus op-
6 erations carried out directly by schools or school
7 districts and school bus operations carried out
8 by schools or school districts by contract.

9 (2) AREAS.—The study shall address the dif-
10 ferences between the services and operations referred
11 to in paragraph (1)(D) in terms of—

12 (A) crash injury data;

13 (B) driver and carrier requirements;

14 (C) passenger transportation requirements;

15 (D) bus construction and design standards;

16 (E) Federal and State operating assistance
17 (per passenger/per mile/per hour);

18 (F) total operating costs;

19 (G) Federal and State capital assistance
20 (per passenger/per mile/per hour);

21 (H) total capital costs; and

22 (I) such other factors as the Secretary con-
23 siders appropriate.

24 (b) REPORT.—Not later than 1 year after the date
25 of the enactment of this Act, the Secretary shall submit

1 a report on the results of the study carried out under sub-
2 section (a) the following:

3 (1) The Committee on Environment and Public
4 Works of the Senate.

5 (2) The Committee on Commerce, Science, and
6 Transportation of the Senate.

7 (3) The Committee on Appropriations of the
8 Senate.

9 (4) The Committee on Transportation and In-
10 frastructure of the House of Representatives.

11 (5) The Committee on Commerce of the House
12 of Representatives.

13 (6) The Committee on Appropriations of the
14 House of Representatives.

15 **SEC. 12. ESTABLISHMENT OF MINIMUM REPORTING CRI-**
16 **TERIA FOR HIGHWAY SAFETY PROGRAM ON**
17 **TRAFFIC-RELATED DEATHS AND INJURIES.**

18 The Secretary of Transportation shall—

19 (1) not later than December 31, 1995, issue a
20 notice of proposed rulemaking with respect to the
21 minimum reporting criteria required under the tenth
22 sentence of section 402(a) of title 23, United States
23 Code; and

1 (2) not later than December 31, 1996, and
2 after an opportunity for public comment, issue a
3 final rule establishing such criteria.

4 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated such sums
6 as are necessary to carry out this Act.

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