

ACT No. 640

HOUSE BILL NO. 1081 (Substitute for House Bill No. 380 by Representative Muscarello)

BY REPRESENTATIVE MUSCARELLO

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AN ACT

To amend and reenact R.S. 17:158(J)(2) and 164.1(A) and R.S. 32:1(14) and (75), 80(B)(1) and (2)(b), 318(B), 328(B), and 378(A) and (B), to enact R.S. 32:80(E), and to repeal R.S. 17:161, relative to school buses; to provide relative to the applicability of certain school bus safety requirements; to provide relative to loading and unloading of students at or near their homes; to provide relative the operation of school busses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:158(J)(2) and 164.1(A) are hereby amended and reenacted to read as follows:

§158. School buses for transportation of students; employment of bus operators; alternative means of transportation; improvement of school bus turnarounds; loading and unloading students

* * *

J. The governing authority of each public school shall adopt policies and procedures or shall make provision in its bus transportation service agreement to do all of the following:

* * *

(2) Prohibit a bus operator from loading or unloading students at or near their homes while the bus is ~~in a traffic lane of any type of street as defined in R.S. 32:1~~ and require that students be loaded or unloaded on a shoulder unless the governing authority determines that loading or unloading on a shoulder is less safe for the student. ~~However, if there is no shoulder or if the shoulder is determined to be less safe, a bus operator may load and unload a student while the bus is in a lane of traffic~~

1 ~~but only if~~ unless the bus is in the lane farthest to the right side of the road so that
2 there is not a lane of traffic between the bus and the right-side curb or other edge of
3 the road.

4 * * *

5 §164.1. Additional regulations; crossing control device required; compliance

6 A.(1) In addition to any regulations adopted by the State Board of
7 Elementary and Secondary Education pursuant to the provisions of R.S. 17:164
8 relative to the construction, design, equipment, and operation of school buses used
9 in the transportation of students, the board also shall adopt rules and regulations in
10 accordance with the Administrative Procedure Act requiring that every bus used in
11 the transportation of students to and from home or school bus stops and acquired
12 after January 1, 1996, shall be equipped with a crossing control device actuated by
13 the operator and operated in conjunction with the stop arm. The crossing control
14 device shall pivot out from the right side of the front bumper to prevent persons from
15 walking directly in front of the bus.

16 (2) In addition to the rules and regulations required pursuant to Paragraph
17 (1) of this Subsection, the board shall adopt rules and regulations ~~in accordance with~~
18 ~~the Administrative Procedure Act requiring that every bus used in the transportation~~
19 ~~of students shall be equipped with a crossing control device~~ as specified in Paragraph
20 (1) of this Subsection by not later than January 1, 2008. The provisions of this
21 Paragraph shall be subject to the appropriation of funds for this purpose.

22 * * *

23 Section 2. R.S. 32:1(14) and (75), 80(B)(1) and (2)(b), 318(B), 328(B), and 378(A)
24 and (B) are hereby amended and reenacted and R.S. 32:80(E) is hereby enacted to read as
25 follows:

26 §1. Definitions

27 When used in this Chapter, the following words and phrases have the
28 meanings ascribed to them in this Section, unless the context clearly indicates a
29 different meaning:

30 * * *

1 (14) "Chauffeur" means every person who is employed by another for the
 2 principal purpose of driving a motor vehicle, ~~and every person who drives a school~~
 3 ~~bus transporting school children or any motor vehicle when in use for the~~
 4 ~~transportation of persons or property for compensation~~ except school bus operators.

5 * * *

6 (75) "School bus" means every motor vehicle that ~~complies with the color,~~
 7 ~~equipment, and identification requirements set forth in this Chapter~~ and is used to
 8 transport ~~children~~ students to and from school or in connection with school activities,
 9 but not including ~~buses operated by common carriers in urban transportation of~~
 10 ~~school children~~ a charter bus or transit bus.

11 (a) ~~"Type I school bus" means any school bus designed to carry more than~~
 12 ~~sixteen pupils at one time.~~

13 (b) ~~"Type II school bus" means any school bus designed to carry sixteen or~~
 14 ~~less pupils at one time.~~

15 * * *

16 §80. Overtaking and passing certain school buses

17 * * *

18 B.(1) Every school bus ~~used for the transportation of school children~~ shall
 19 bear upon the front and rear thereof the words "SCHOOL BUS" in black letters not
 20 less than eight inches in height placed as high as possible without impairment of
 21 visibility, and no other lettering shall be visible from the front or rear except the
 22 words "emergency exit" shall be painted in black letters at least two inches in height
 23 and approximately located near such exit.

24 * * *

25 (2)

26 * * *

27 (b) The driver of any school bus ~~equipped only with signal lamps as~~
 28 ~~provided in R.S. 32:318(B)(1)~~ shall activate ~~such~~ the amber lamps at least one
 29 hundred feet, but not more than five hundred feet, before every stop for which
 30 activation is required and upon stopping shall ~~exhibit the semaphore sign or signs~~

1 ~~activate the red lamps and the stop signal arms~~ provided for in R.S. 32:318(B)(2) and
 2 ~~(3) and the crossing control device as provided in R.S. 17:164.1~~ and upon resuming
 3 motion shall deactivate ~~both the lamps, the stop signal arms, and the semaphore sign~~
 4 ~~or signs~~ crossing control device. ~~The driver of any school bus equipped with signal~~
 5 ~~lamps as provided in R.S. 32:318(B)(4) shall activate the yellow (amber) lights at~~
 6 ~~least one hundred feet, but not more than five hundred feet, before every stop for~~
 7 ~~which activation is required, shall deactivate these lamps upon stopping, shall exhibit~~
 8 ~~the red flashing lamps and semaphore sign or signs while stopped, and upon~~
 9 ~~resuming motion shall deactivate both the lamps and the semaphore sign or signs.~~

* * *

11 E. For the purposes of this Section, "school bus" means a school bus as
 12 defined in R.S. 32:1 that is used to transport students to and from home or school bus
 13 stops.

* * *

§318. Audible and visual signals on certain vehicles

* * *

17 ~~B.(1) Every type I school bus purchased new after the effective date of this~~
 18 ~~Subsection used for the transportation of school children~~ that is used to transport
 19 students to and from home or school bus stops shall, in addition to any other
 20 equipment and distinctive markings required by this Chapter, be equipped with ~~the~~
 21 ~~following signal lights and devices:~~ four amber and four red school bus signal lamps.

22 ~~(1) Every type I school bus purchased new after the effective date of this~~
 23 ~~Subsection shall be equipped with signal lamps mounted as high and as widely~~
 24 ~~spaced laterally as practicable, which shall be capable of displaying to the front two~~
 25 ~~alternately flashing red lights located at the same level and to the rear two alternately~~
 26 ~~flashing red lights located at the same level, and these lights shall have sufficient~~
 27 ~~intensity to be visible at five hundred feet in normal sunlight.~~

28 ~~(2)(a) Every type I school bus purchased new after the effective date of this~~
 29 ~~Subsection~~ that is used to transport students to and from home or school bus stops
 30 and that has a rated capacity of sixteen or more passengers including the operator

1 shall also be equipped with two ~~semaphore signs~~ stop signal arms mounted on the
 2 left side of the bus; ~~one as near the front of the cab of the bus as practicable and one~~
 3 ~~as near the rear of the body of the bus as practicable, said semaphore signs to be not~~
 4 ~~less than eighteen inches in diameter, painted red, with the word "Stop" on each side~~
 5 ~~thereof in white letters not less than six inches in height. Each semaphore sign shall~~
 6 ~~be a standard octagonal sign containing two flashing red lamps which are visible~~
 7 ~~from both sides of the extended sign. These signs shall be constructed so as to fold~~
 8 ~~back against the side of the bus when at rest and capable of being extended~~
 9 ~~perpendicular to the side of the bus with controls operated by the driver.~~

10 (3) (b) Every type H school bus purchased new after the effective date of this
 11 Subsection that is used to transport students to and from home or school bus stops
 12 and that has a rated capacity of ten to fifteen passengers including the operator shall
 13 also be equipped with at least one semaphore sign which shall comply with the
 14 requirements in R.S. 32:318(B)(2) stop signal arm mounted on the left side of the
 15 bus.

16 (4) ~~Every school bus purchased new after the effective date of this~~
 17 ~~Subsection shall, in addition to the lights required by Subsection B(1), be equipped~~
 18 ~~with yellow signal lamps mounted near each of the four red lamps and at the same~~
 19 ~~level but closer to the vertical center line of the bus, which shall display two~~
 20 ~~alternately flashing yellow lights to the front and two alternately flashing yellow~~
 21 ~~lights to the rear, and these lights shall be visible at five hundred feet in normal~~
 22 ~~sunlight. These lights shall be displayed by the school bus driver at least one~~
 23 ~~hundred feet, but not more than five hundred feet, before (but not during) every stop~~
 24 ~~at which the alternately flashing red lights required by Subsection B(1) shall be~~
 25 ~~activated.~~

26 * * *

27 §328. Special lighting equipment on school buses

28 * * *

29 B. It shall be unlawful to operate any flashing warning signal light on any
 30 school bus except when ~~said~~ the school bus is stopped or is in the act of coming to

1 a complete stop on a highway for the purpose of permitting school children to board
2 or alight from said the school bus, ~~and also, except when any such school bus is~~
3 ~~stopped or coming to a complete stop on a highway at a crossing of a railroad.~~

4 * * *

5 §378. School bus body, hood, bumpers; color of paint; back-up audible alarms

6 A. Every school bus that is used to transport students to and from home or
7 school bus stops shall be painted national school bus ~~glossy~~ yellow except that the
8 hood shall be painted the same color or lusterless black and its roof may be painted
9 white. Bumpers shall be painted glossy black, except that for increased night
10 visibility they may be covered with a ~~retroreflective~~ retroreflective material.

11 B. Any school bus ~~acquired that is not used for any purpose other than~~
12 ~~transporting to and from school~~ that is not used to transport students to and from
13 home or school bus stops shall be painted a color other than national school bus
14 yellow and all lights, signals, and other devices and any lettering identifying the
15 vehicle as a school bus shall be removed.

16 * * *

17 Section 3. R.S. 17:161 is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____