

Regular Session, 2013

HOUSE BILL NO. 224

BY REPRESENTATIVE HOLLIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 17:492(A) and (D)(2) and 493(A) and (C), relative to school bus
3 operators; to require the immediate removal of a nontenured school bus operator who
4 is convicted of or has pled nolo contendere to certain offenses relative to operating
5 a vehicle while intoxicated; to provide that such a conviction or plea shall be grounds
6 for removal of a tenured school bus operator; to provide for applicability; to provide
7 an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:492(A) and (D)(2) and 493(A) and (C) are hereby amended and
10 reenacted to read as follows:

11 §492. Probation and tenure of bus operators

12 A. Each school bus operator shall serve a probationary term of three years
13 reckoned from the date of his first employment in the city, parish, or other local
14 public school system in which the operator is serving his probation. During the
15 probationary term, the city, parish, or other local public school board may dismiss
16 or discharge any operator upon the written recommendation of the local
17 superintendent of schools accompanied by valid reasons therefor. A school board
18 shall immediately dismiss or discharge an operator who is convicted of or has pled
19 nolo contendere to a violation of a parish or municipal ordinance that prohibits
20 operating a vehicle while intoxicated or any of the following offenses relative to
21 operating a vehicle while intoxicated, regardless of whether the violation occurred
22 while the operator was performing an official duty or responsibility as a school bus
23 operator at the time of the offense:

24 (1) R.S. 14:98, operating a vehicle while intoxicated.

- 1 (2) R.S. 14:32.1, vehicular homicide.
- 2 (3) R.S. 14:32.8(A)(2), third degree feticide.
- 3 (4) R.S. 14:39.1, vehicular negligent injuring.
- 4 (5) R.S. 14:39.2, first degree vehicular negligent injuring.

5 * * *

6 D.

7 * * *

8 (2) After the expiration of the probationary term provided in Subsection A
 9 of this Section, a school bus operator whose date of first employment with a school
 10 system is July 1, 2012, or thereafter, may be removed from his position as provided
 11 by the personnel policy of the employing school board. A school board shall
 12 immediately terminate a school bus operator who is convicted of or has pled nolo
 13 contendere to a violation of a parish or municipal ordinance that prohibits operating
 14 a vehicle while intoxicated or any of the following offenses relative to operating a
 15 vehicle while intoxicated, regardless of whether the violation occurred while the
 16 operator was performing an official duty or responsibility as a school bus operator
 17 at the time of the offense:

- 18 (a) R.S. 14:98, operating a vehicle while intoxicated.
- 19 (b) R.S. 14:32.1, vehicular homicide.
- 20 (c) R.S. 14:32.8(A)(2), third degree feticide.
- 21 (d) R.S. 14:39.1, vehicular negligent injuring.
- 22 (e) R.S. 14:39.2, first degree vehicular negligent injuring.

23 §493. Removal of bus operators; procedures; right to appeal

24 A. A permanent school bus operator shall not be removed from his position
 25 except upon written and signed charges of willful neglect of duty, or incompetence,
 26 or immorality, or drunkenness while on duty, or failure to comply with the reporting
 27 requirements of R.S. 17:491.3 relative to being arrested for one or more of the
 28 specified offenses, or physical disability to perform his duties, or failure to keep his
 29 transfer equipment in a safe, comfortable, and practical operating condition, or of
 30 being a member of or contributing to any group, organization, movement, or

1 corporation that is prohibited by law or injunction from operating in the state, and
2 then only if found guilty after a hearing by the school board of the parish or city in
3 which the school bus operator is employed. ~~An additional ground~~ Additional
4 grounds for the removal ~~from office~~ of any permanent school bus operator shall be:

5 (1) ~~the~~ The abolition, discontinuance, or consolidation of routes, but then
6 only if it is found as a fact, after a hearing by the school board of the parish or city,
7 that it is in the best interests of the school system to abolish, discontinue, or
8 consolidate said route or routes.

9 (2) A conviction of or plea of nolo contendere to a violation of a parish or
10 municipal ordinance that prohibits operating a vehicle while intoxicated or any of the
11 following offenses relative to operating a vehicle while intoxicated regardless of
12 whether the violation occurred while the operator was performing an official duty or
13 responsibility as a school bus operator at the time of the offense:

14 (a) R.S. 14:98, operating a vehicle while intoxicated.

15 (b) R.S. 14:32.1, vehicular homicide.

16 (c) R.S. 14:32.8(A)(2), third degree feticide.

17 (d) R.S. 14:39.1, vehicular negligent injuring.

18 (e) R.S. 14:39.2, first degree vehicular negligent injuring.

19 * * *

20 C. If a permanent school bus operator is found guilty by a school board, after
21 due and legal hearing as provided herein, on charges of willful neglect of duty, or of
22 incompetency, or immorality, or drunkenness while on duty, or failure to comply
23 with the reporting requirements of R.S. 17:491.3, relative to being arrested for one
24 or more of the specified offenses, or physical disability to perform his duties, or
25 failure to keep his transfer equipment in a safe, comfortable, and practical operating
26 condition, or of being a member of or contributing to any group, organization,
27 movement, or corporation that is prohibited by law or injunction from operating in
28 the state, or if the operator is convicted of or has pled nolo contendere to a violation
29 of any offense as specified in Paragraph (A)(2) of this Section, and ordered removed
30 from ~~office,~~ his position or disciplined by the board, the superintendent with

1 approval of the board shall furnish to the school bus operator a written statement of
 2 recommendation of removal or discipline, which shall include but not be limited to
 3 the exact reason, offense, or instance upon which the recommendation is based.
 4 Such operator may, not more than one year from the date of the said finding, petition
 5 a court of competent jurisdiction for a full hearing to review the action of the school
 6 board, and the court shall have jurisdiction to affirm or reverse the action of the
 7 school board in the matter. If the finding of the school board is reversed by the court
 8 and the operator is ordered reinstated and restored to duty, the operator shall be
 9 entitled to full pay for any loss of time or salary he may have sustained by reason of
 10 the action of the said school board.

11 * * *

12 Section 2. The provisions of this Act shall not apply to a conviction or nolo
 13 contendre plea relative to operating a vehicle while intoxicated, as specified in the Act, that
 14 occurred prior to July 1, 2013.

15 Section 3. This Act shall become effective on July 1, 2013; if vetoed by the governor
 16 and subsequently approved by the legislature, this Act shall become effective on July 1,
 17 2013, or on the day following such approval by the legislature, whichever is later.

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 PRESIDENT OF THE SENATE

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____