

1 **** BILL NO. ****
2 INTRODUCED BY ****
3 BY REQUEST OF THE ****
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT A PASSENGER VEHICLE USED BY A
6 SCHOOL DISTRICT FOR TRANSPORTATION FOR SPECIAL ACTIVITIES IS NOT A SCHOOL BUS;
7 CLARIFYING THAT A PASSENGER VEHICLE IS NOT ELIGIBLE FOR INCLUSION IN THE DISTRICT'S BUS
8 DEPRECIATION RESERVE FUND; AMENDING SECTIONS 20-10-101 AND 20-10-129, MCA; AND
9 PROVIDING AN EFFECTIVE DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12

13 **Section 1.** Section 20-10-101, MCA, is amended to read:

14 **"20-10-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the
15 following definitions apply:

16 (1) "Bus route" means a route approved by the board of trustees of a school district and by the county
17 transportation committee.

18 (2) "Eligible transportee" means a public school pupil who:

19 (a) is 5 years of age or older and has not reached the age of 21 on or before September 10 of the
20 current school year or who is a preschool child with a disability between the ages of 3 and 6;

21 (b) is a resident of the state of Montana;

22 (c) regardless of district and county boundaries:

23 (i) resides at least 3 miles, over the shortest practical route, from the nearest operating public
24 elementary school or public high school, whichever the case may be; or

25 (ii) has transportation identified as a related service in an individualized education program as
26 developed and implemented in accordance with the Individuals With Disabilities Education Act, 20 U.S.C. 1400,
27 et seq.; and

28 (d) is considered to reside with a parent or guardian who maintains legal residence within the

1 boundaries of the district furnishing the transportation regardless of where the eligible transportee actually lives
2 when attending school.

3 (3) "Passenger seating position" means, as defined in 49 CFR 571.222, the space on a school bus
4 allocated for one passenger.

5 (4) (a) "School bus" means, except as provided in subsection (4)(b), any motor vehicle that complies
6 with the bus standards established by the board of public education as verified by the department of justice's
7 semiannual inspection of school buses and the superintendent of public instruction and:

8 (i) is owned by a district or other public agency and operated for the transportation of pupils to or from
9 school or owned by a carrier under contract with a district or public agency to provide transportation of pupils to
10 or from school; or

11 (ii) is district-owned, is designed to carry 10 or fewer passengers, has an overall safety rating of five
12 stars from the national highway traffic safety administration at the time of purchase, and is insured in
13 accordance with minimum coverage requirements set forth in 20-10-109.

14 (b) A school bus does not include a vehicle that is:

15 (i) privately owned and not operated for compensation under this title;

16 (ii) privately owned and operated for reimbursement under 20-10-142;

17 (iii) either district-owned or privately owned, designed to carry not more than nine passengers, and
18 used to transport pupils to or from activity events or to transport pupils to their homes in case of illness or other
19 emergency situations and that was purchased prior to July 1, 2017; ~~or~~

20 (iv) an over-the-road passenger coach used only to transport pupils to activity events; or

21 (v) a passenger vehicle as defined in 20-10-129.

22 (5) "Transportation" means:

23 (a) a district's conveyance of a pupil by a school bus between the pupil's legal residence or an
24 officially designated bus stop and the school designated by the trustees for the pupil's attendance; or

25 (b) "individual transportation" by which a district is relieved of actually conveying a pupil. Individual
26 transportation may include paying the parent or guardian for conveying the pupil, reimbursing the parent or
27 guardian for the pupil's board and room, or providing supervised correspondence study or supervised home
28 study.

1 (6) "Transportation service area" means the geographic area of responsibility for school bus
2 transportation for each district that operates a school bus transportation program."

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4 **Section 2.** Section 20-10-129, MCA, is amended to read:

5 **"20-10-129. Transportation for special activities.** (1) A district may use a passenger vehicle to
6 transport students to or from school-sponsored functions or activities. A district may not use a passenger
7 vehicle for purposes of transporting students to or from school on a regular bus route.

8 (2) A passenger vehicle that is owned by the district is not eligible to be included in the calculations for
9 the bus depreciation reserve fund under 20-10-147.

10 ~~(2)~~(3) For purposes of this section, "passenger vehicle" means a motor vehicle that is:

11 (a) designed to transport 8 to 15 passengers and is the size and style of vehicle necessary to meet
12 the needs of the district; and

13 (b) insured in accordance with the minimum coverage requirements established in 20-10-109."

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15 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2023.

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