

105TH CONGRESS  
1ST SESSION

# H. R. 1993

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 1997

Mr. TRAFICANT introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Education and the Workforce, 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

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## 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. DETERMINATION OF PRACTICABILITY AND FEA-**  
6 **SIBILITY OF CERTAIN SAFETY AND ACCESS**  
7 **REQUIREMENTS FOR SCHOOL BUSES.**

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

13 (1) A requirement for a decrease in the flam-  
14 mability of the materials used in the construction of  
15 the interiors of school buses.

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

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

4           (4) A requirement that school buses manufac-  
5           tured after the effective date of the rule be equipped  
6           with a bumper sensor, wheel guard, and front bump-  
7           er gate and a system that automatically applies the  
8           vehicle's brakes when the bumper sensor, wheel  
9           guard, or front bumper gate makes contact with an  
10          object or pedestrian.

11          (5) A requirement that school buses manufac-  
12          tured after the effective date of the rule be equipped  
13          with a system that detects a trapped obstacle in the  
14          door of the vehicle and automatically applies the ve-  
15          hicle's brakes, or provides a warning to the driver,  
16          when such a object is detected.

17          (b) FINAL RULE.—Not later than 2 years after the  
18          date of the enactment of this Act, the Secretary shall pro-  
19          mulgate a final rule providing for any requirement or  
20          standard referred to in paragraph (1), (2), (3), (4), or (5)  
21          of subsection (a) that the Secretary determines to be fea-  
22          sible and practicable.

1 **SEC. 7. CRIMINAL BACKGROUND CHECKS OF SCHOOL BUS**  
2 **DRIVERS.**

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

15 (b) EXCEPTION.—A local educational agency or a  
16 contractor may newly employ a person as a driver of a  
17 school bus of or on behalf of the agency if a check of the  
18 person is not completed by the end of the 21-day period  
19 beginning on the date of the request for the check by the  
20 agency. The agency or contractor may commence such em-  
21 ployment beginning at the end of such 21-day period.

22 (c) CHECK PROCEDURES.—Each State shall establish  
23 procedures for conducting checks under this section. Such  
24 procedures shall include the designation of an agency of  
25 the State to carry out the checks and shall meet the guide-

1 lines set forth in section 3(b) of the National Child Protec-  
2 tion Act of 1993 (42 U.S.C. 5119a(b)).

3 (d) LIMITATION ON LIABILITY.—A local educational  
4 agency or a contractor providing transportation services  
5 to such an agency shall not be liable in an action for dam-  
6 ages on the basis of a criminal conviction of a person em-  
7 ployed by the agency or contractor as a school bus driver  
8 if—

9 (1) a check of the person was conducted under  
10 this section; and

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

13 (e) FEES.—

14 (1) FEES IMPOSED BY STATE AGENCIES.—

15 (A) IN GENERAL.—A State agency des-  
16 ignated under subsection (c) may impose and  
17 collect fees for the provision of assistance in the  
18 conduct of checks under this section. The  
19 amount of such fees may not exceed the actual  
20 cost to the State agency of providing such as-  
21 sistance.

22 (B) MONITORING.—A State shall monitor  
23 the collection of fees by an agency of the State  
24 under this paragraph for purposes of ensuring  
25 that—

1 (i) such fees are collected on a uni-  
2 form basis; and

3 (ii) the amounts collected reflect only  
4 the actual cost to the State agency of pro-  
5 viding assistance in the conduct of back-  
6 ground checks.

7 (2) FEES IMPOSED BY FEDERAL BUREAU OF  
8 INVESTIGATION.—

9 (A) IN GENERAL.—The Federal Bureau of  
10 Investigation may impose and collect fees for  
11 the provision of assistance in the conduct of  
12 checks under this section. The amount of such  
13 fees may not exceed the actual cost to the Fed-  
14 eral Bureau of Investigation of providing such  
15 assistance.

16 (B) MONITORING.—The Attorney General  
17 shall monitor the collection of fees under this  
18 paragraph for purposes of ensuring that—

19 (i) such fees are collected on a uni-  
20 form basis; and

21 (ii) the amounts collected reflect only  
22 the actual cost to the Federal Bureau of  
23 Investigation of providing assistance in the  
24 conduct of background checks.

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

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

7 (2) NATIONAL CRIMINAL HISTORY BACK-  
8 GROUND CHECK SYSTEM.—The term “national  
9 criminal history background check system” has the  
10 meaning given such term in section 5(6) of the Na-  
11 tional Child Protection Act of 1993 (42 U.S.C.  
12 5119e(6)).

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

16 (g) APPLICABILITY.—

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

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

23 (B) the date on which the State in which  
24 the agencies or contractors are located estab-

1           lishes the procedures required under subsection  
2           (c).

3           (2) EXCEPTIONS.—During the period beginning  
4           on the date of the enactment of this Act and ending  
5           on the date of the applicability of this section to a  
6           local educational agency or contractor under para-  
7           graph (1), the local educational agency or contractor  
8           shall, to the maximum extent practicable, request  
9           that the Federal Bureau of Investigation conduct a  
10          background check with fingerprints of each person  
11          newly employed by the local educational agency or  
12          contractor as a school bus driver of or on behalf of  
13          the local educational agency.

14          (h) FUNDING.—

15           (1) VIOLENCE PREVENTION PROGRAMS.—Sec-  
16          tion 4116(b)(5) of the Elementary and Secondary  
17          Education Act of 1965 (20 U.S.C. 7116(b)(5)) is  
18          amended by striking “and neighborhood patrols”  
19          and inserting “neighborhood patrols, and criminal  
20          background checks of potential drivers of school  
21          buses under section 5 of the School Bus Safety  
22          Act.”.

23           (2) INNOVATIVE EDUCATION ASSISTANCE.—  
24          Section 6301(b) of such Act (20 U.S.C. 7351(b)) is  
25          amended—

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

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

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

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

9 **SEC. 8. ESTABLISHMENT OF MINIMUM REPORTING CRI-**  
10 **TERIA FOR HIGHWAY SAFETY PROGRAM ON**  
11 **TRAFFIC-RELATED DEATHS AND INJURIES.**

12 The Secretary of Transportation shall—

13 (1) not later than December 31, 1998, issue a  
14 notice of proposed rulemaking with respect to the  
15 minimum reporting criteria required under the tenth  
16 sentence of section 402(a) of title 23, United States  
17 Code; and

18 (2) not later than December 31, 1998, and  
19 after an opportunity for public comment, issue a  
20 final rule establishing such criteria.

21 **SEC. 9. SCHOOL TRANSPORTATION SAFETY.**

22 (a) STUDY.—Not later than 3 months after the date  
23 of the enactment of this Act, the Secretary shall enter into  
24 an agreement with the Transportation Research Board of  
25 the National Academy of Sciences to conduct a study of

1 the safety issues attendant to transportation of school chil-  
2 dren to and from school and school-related activities by  
3 various transportation modes.

4 (b) TERMS OF AGREEMENT.—The agreement entered  
5 into in subsection (a) shall provide that—

6 (1) the Transportation Research Board, in con-  
7 ducting the study, consider—

8 (A) in consultation with the National  
9 Transportation Safety Board, the Bureau of  
10 Transportation Statistics, and other relevant  
11 entities, available crash injury data, and if un-  
12 available or insufficient, recommend a new data  
13 collection regimen and implementation guide-  
14 lines; and

15 (B) vehicle design and driver training re-  
16 quirements, routing, and operational factors  
17 that affect safety and other factors that the  
18 Secretary considers appropriate; and

19 (2) the panel conducting the study shall include  
20 representatives of highway safety organizations,  
21 school transportation, mass transportation providers,  
22 employee organizations, academic and policy ana-  
23 lysts, and other interested parties.

24 (c) REPORT.—Not later than 12 months after the  
25 date of entry into the agreement under subsection (a), the

1 Secretary shall transmit to the Committee on Transpor-  
2 tation and Infrastructure of the House of Representatives  
3 and the Committee on Banking, Housing, and Urban Af-  
4 fairs of the Senate a report containing the results of the  
5 study.

6 **SEC. 10. PILOT PROGRAM TO ASSESS BENEFITS OF EQUIP-**  
7 **PING SCHOOL BUSES WITH SAFETY RE-**  
8 **STRAINT DEVICES.**

9 (a) ESTABLISHMENT.—The Secretary shall carry out  
10 a pilot program to assess the benefits of equipping school  
11 buses with Aaron Gordon type flight attendant double  
12 shoulder harness mechanisms or other safety restraint de-  
13 vices providing equal or greater passenger protection.

14 (b) GRANTS.—In carrying out the program, the Sec-  
15 retary may make grants to one school district for equip-  
16 ping school buses in the district with safety restraint de-  
17 vices described in subsection (a).

18 (c) FEDERAL SHARE.—The Federal share of the cost  
19 of a project carried out using a grant under subsection  
20 (b) may not exceed 50 percent of such cost.

21 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated such sums  
23 as are necessary to carry out this Act.

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