

Amendment No. 1 to SB1966

Gresham
Signature of Sponsor

AMEND Senate Bill No. 1966

House Bill No. 1507*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-2109, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b)

(1) Except as otherwise provided in this subsection (b), conventional and Class D school buses may be used until the buses reach the eighteenth year from the in-service date of the buses, and neither the state board of education nor the commissioner of safety shall limit the use of conventional or Class D school buses by mileage driven.

(2) The commissioner of safety, through the inspection process, may approve additional years of service beyond the eighteenth year from the in-service date for conventional and Class D buses on a year-to-year basis. The owner of a bus may receive approval for additional years of service beyond the eighteenth year only if any conventional or Class D school bus being operated in the eighteenth year or beyond has less than two hundred thousand (200,000) miles of recorded travel; provided, however, that after the bus reaches two hundred thousand (200,000) miles of recorded travel the owner of the bus shall be allowed to operate the bus throughout the remainder of the school year and at the conclusion of the school year, the owner shall replace the bus. The bus shall meet all requirements for continued safe use and operation during the remainder

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of the school year and the owner of the bus shall notify the department of safety in writing, via certified mail, that the bus has reached two hundred thousand (200,000) miles of recorded travel.

(3) If a bus reaches the eighteenth year following its in-service date requiring discontinuance of its use during a school year, the owner of the bus shall be allowed to operate the bus throughout the remainder of the school year. The bus shall meet all requirements for continued safe use and operation during the remainder of the school year and the owner of the bus shall immediately notify the department of safety in writing, via certified mail, when the bus reaches the eighteenth year requiring discontinuance.

(4) Any conventional or Class D bus that is in use for more than fifteen (15) years from its in-service date, but not more than eighteen (18) years from such date, shall be inspected by the commissioner or the commissioner's designee at least twice annually.

(5) No bus purchased from an out-of-state entity that has been in use for more than fifteen (15) years from its in-service date may be in use unless it has been in service in this state for a minimum period of two (2) consecutive years.

(6) The owner of any bus shall maintain records of all maintenance actions and safety inspections performed on a bus from its

in-service date and these records shall be available at all times to the commissioner of safety or the commissioner's designee.

(7) The commissioner, or the commissioner's designee, shall make no less than one (1) inspection annually of each school bus that has been in use for fifteen (15) years or less from the in-service date and that transports school children, in order to determine whether it can be used safely to protect properly the lives of school children. At any inspections under this subsection (b), the inspector shall have the authority to require repairs or reconditioning to be made that the inspector considers necessary for the continued safe use and operation of the bus. If the local authority or owner refuses to take the required action or if the inspector considers continued use of the bus to be unsafe, the inspector shall order its removal from service.

(8) Boards of education are encouraged to make full use of federal funds, while available, for retrofitting diesel school buses to improve both cabin air quality and lower emissions.

(9) The commissioner of safety is authorized to promulgate rules to effectuate the purposes of this subsection (b). All such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(10) The department of safety is authorized to collect a fee for additional inspections conducted for buses that are used in the sixteenth year or beyond following the in-service date. The fee shall be paid by the owner of the bus requesting the additional year or years of service on an inspection-by-inspection basis; provided, however, that the LEA may pay the fee for any bus servicing the LEA.

SECTION 2. Tennessee Code Annotated, Section 49-6-2109(d), is amended by deleting the subsection in its entirety and by redesignating the subsequent subsection accordingly.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.