

HOUSE TRANSPORTATION, PUBLIC WORKS AND CAPITAL IMPROVEMENTS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 265

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO MOTOR VEHICLES; REQUIRING THAT ALL SCHOOL BUSES
PURCHASED ON OR AFTER JANUARY 1, 2020 HAVE AIR CONDITIONING IN
CERTAIN DISTRICTS AND HAVE COLLISION AVOIDANCE SYSTEMS, SEAT
BELTS AND STABILITY CONTROL; ESTABLISHING LIMITS FOR THE NUMBER
OF STUDENTS ALLOWED PER SEAT; LIMITING A STANDARD OF DUTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-16-11 NMSA 1978 (being Laws 1978,
Chapter 35, Section 469, as amended) is amended to read:

"22-16-11. REGULATIONS RELATIVE TO SCHOOL BUSES.--

A. The state transportation director [~~appointed as~~
~~provided in Section 22-16-1 NMSA 1978~~] shall adopt and enforce
[~~regulations~~] rules adopted by the [~~state board~~] department not
inconsistent with the Motor Vehicle Code to govern the design
and operation of all school buses used for the transportation

.214278.2

underscored material = new
[bracketed material] = delete

1 of school children ~~when~~; provided that:

2 (1) the rules for the design of school buses
3 shall require all purchases of model year 2020 or subsequent
4 model year school buses purchased on or after January 1, 2020
5 to be equipped with:

6 (a) air conditioning if the buses are to
7 be operated in school districts that regularly experience
8 temperatures that would pose a risk to students riding in
9 school buses without air conditioning;

10 (b) collision avoidance systems;

11 (c) seat belts for all passengers; and

12 (d) stability control; and

13 (2) the rules for operation of school buses
14 provide that student seating on a school bus shall not exceed:

15 (a) three students, when the combined
16 seated width of those students is more than the actual width of
17 the seat; or

18 (b) two students, when the combined
19 seated width of those students is more than the actual width of
20 the seat.

21 B. The rules adopted under Subsection A of this
22 section shall apply to school buses used for the transportation
23 of school children when owned and operated by any school
24 district or privately owned and operated under contract with
25 any school district in this state ~~and the regulations~~;

1 provided that no rule shall place a duty on a school bus driver
 2 greater than a reasonable effort standard to ensure that school
 3 children use seat belts. The rules shall by reference be made
 4 a part of any such contract with a school district. Every
 5 school district, its officers and employees and every person
 6 employed under contract by a school district shall be subject
 7 to the [~~regulations~~] rules.

8 [~~B.~~] C. Any officer or employee of any school
 9 district who violates any of the [~~regulations~~] rules or fails
 10 to include obligation to comply with the [~~regulations~~] rules in
 11 any contract executed by [~~him~~] the officer or employee on
 12 behalf of a school district is guilty of misconduct and subject
 13 to removal from office or employment. Any [~~person~~] contractor
 14 operating a school bus, under contract with a school district,
 15 who fails to comply with any of the [~~regulations~~] rules is
 16 guilty of breach of contract, and the contract may be canceled
 17 after notice and hearing by the state transportation director
 18 acting in conjunction with the responsible officers of the
 19 school district.

20 [~~G.~~] D. Any driver of a school bus who fails to
 21 comply with any of the [~~regulations~~] rules is guilty of a
 22 misdemeanor."

23 **SECTION 2. EFFECTIVE DATE.**--The effective date of the
 24 provisions of this act is July 1, 2020.