

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0880.01 Richard Sweetman

HOUSE BILL 10-1232

HOUSE SPONSORSHIP

Baumgardner,

SENATE SPONSORSHIP

King K.,

House Committees
Education

Senate Committees
Education

A BILL FOR AN ACT

101 **CONCERNING THE DEFINITION OF SCHOOL VEHICLES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill defines the term "school vehicle", amends the definition of "school bus", and amends certain statutory provisions that refer to "school vehicle" and "school bus" to clarify when each term applies.

1 *Be it enacted by the General Assembly of the State of Colorado:*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
February 26, 2010

HOUSE
Amended 2nd Reading
February 25, 2010

1 **SECTION 1.** 16-14-105 (1) (k.5), Colorado Revised Statutes, is
2 amended to read:

3 **16-4-105. Selection by judge of the amount of bail and type of**
4 **bond - criteria.** (1) In determining the amount of bail and the type of
5 bond to be furnished by the defendant, the judge fixing the same shall
6 consider and be governed by the following criteria:

7 (k.5) The fact that the defendant is accused of unlawfully using or
8 distributing controlled substances on the grounds of any public or private
9 elementary, middle, or secondary school, or within one thousand feet of
10 the perimeter of any such school grounds on any street, alley, parkway,
11 sidewalk, public park, playground, or other area of premises ~~which~~ THAT
12 is accessible to the public, or within any private dwelling ~~which~~ THAT is
13 accessible to the public for the purpose of the sale, distribution, use, or
14 exchange of controlled substances in violation of article 18 of title 18,
15 C.R.S., or in any school ~~bus~~ VEHICLE, AS DEFINED IN SECTION 42-1-102
16 (88.5), C.R.S., engaged in the transportation of persons who are students;
17 ~~at any public or private elementary, middle, or secondary school;~~

18 **SECTION 2.** 18-18-407 (2) (a), Colorado Revised Statutes, is
19 amended to read:

20 **18-18-407. Special offender.** (2) (a) A defendant shall be a
21 special offender if the defendant is convicted of selling, distributing,
22 possessing with intent to distribute, manufacturing, or attempting to
23 manufacture any controlled substance in violation of section 18-18-405
24 either within or upon the grounds of any public or private elementary,
25 middle, junior high, or high school, vocational school, or public housing
26 development, or within one thousand feet of the perimeter of any such
27 school or public housing development grounds on any street, alley,

1 parkway, sidewalk, public park, playground, or other area or premises that
2 is accessible to the public, or within any private dwelling that is
3 accessible to the public for the purpose of the sale, distribution, use,
4 exchange, manufacture, or attempted manufacture of controlled
5 substances in violation of this article, or in any school ~~bus~~ VEHICLE, as
6 defined in ~~section 42-1-102 (88)~~ SECTION 42-1-102 (88.5), C.R.S., while
7 such school ~~bus~~ VEHICLE is engaged in the transportation of persons who
8 are students. ~~at any public or private elementary, middle, junior high, or~~
9 ~~high school.~~ The court is required in addition to imposing the sentence
10 to imprisonment in the department of corrections required by subsection
11 (1) of this section, to fine the defendant without suspension at least twice
12 the minimum fine provided for in section 18-1.3-401 (1) (a) (III) if the
13 defendant's offense is a felony or in section 18-1.3-501 (1) if the
14 defendant's offense is a misdemeanor.

15 **SECTION 3.** 22-23-106 (6), Colorado Revised Statutes, is
16 amended to read:

17 **22-23-106. Summer schools.** (6) Each school district
18 participating in the summer school program shall be reimbursed from
19 state funds for actual costs incurred in the operation of ~~such~~ THE program,
20 including allotments for classroom units and supervisory units based upon
21 the formulas set forth in section 22-23-107. ~~Such~~ THE school district
22 shall also receive reimbursement, under rules ~~and regulations~~ of the state
23 board, for the net cost of its school lunch operation and for school ~~bus~~
24 VEHICLE operations at rates fixed by the state board. School districts shall
25 report all such costs on forms prescribed by the state board.

26 **SECTION 4.** 22-32-109.1 (2) (a) (II) and (2) (a) (X), Colorado
27 Revised Statutes, are amended to read:

1 **22-32-109.1. Board of education - specific powers and duties**

2 **- safe schools. (2) Safe school plan.** In order to provide a learning
3 environment that is safe, conducive to the learning process, and free from
4 unnecessary disruption, following consultation with the school district
5 accountability committee and school accountability committees, parents,
6 teachers, administrators, students, student councils where available, and,
7 where appropriate, the community at large, each school district board of
8 education shall adopt and implement a safe school plan, or review and
9 revise, if necessary, any existing plans or policies already in effect, which
10 shall include, but not be limited to, the following:

11 (a) **Conduct and discipline code.** A concisely written conduct
12 and discipline code that shall be enforced uniformly, fairly, and
13 consistently for all students. Copies of the code shall be provided to each
14 student upon enrollment at the elementary, middle, and high school levels
15 and shall be posted or kept on file at each public school in the school
16 district. The code shall include, but shall not be limited to:

17 (II) General policies and procedures for dealing with students who
18 cause a disruption in the classroom, on school grounds, in school
19 vehicles, AS DEFINED IN SECTION 42-1-102 (88.5), C.R.S., or at school
20 activities or sanctioned events, including a specific policy allowing a
21 teacher to remove a disruptive student from his or her classroom and,
22 upon the third such removal from a teacher's class, to remove the
23 disruptive student from such teacher's class for the remainder of the term
24 of the class. The general policies and procedures shall include a due
25 process procedure, which at a minimum shall require that, as soon as
26 possible after a removal, the teacher or the school principal shall contact
27 the parent or legal guardian of the student to request his or her attendance

1 at a student-teacher conference regarding the removal. A behavior plan
2 may be developed after the first such removal from class, and shall be
3 developed after the second such removal from class. Any policy or
4 procedure adopted shall comply with applicable federal and state laws,
5 including, but not limited to laws regarding students with disabilities.

6 (X) On and after August 8, 2001, a specific policy concerning
7 bullying prevention and education. For purposes of this subparagraph
8 (X), "bullying" means any written or verbal expression, or physical act or
9 gesture, or a pattern thereof, that is intended to cause distress upon one or
10 more students in the school, on school grounds, in school vehicles, at a
11 designated school ~~bus~~ VEHICLE stop, or at school activities or sanctioned
12 events. The school district's policy shall include a reasonable balance
13 between the pattern and the severity of such bullying behavior.

14 **SECTION 5.** 22-32-110 (1) (v), Colorado Revised Statutes, is
15 amended to read:

16 **22-32-110. Board of education - specific powers.** (1) In
17 addition to any other power granted to a board of education of a school
18 district by law, each board of education of a school district shall have the
19 following specific powers, to be exercised in its judgment:

20 (v) To procure liability and property damage insurance on school
21 ~~buses or motor vehicles owned or rented by the school district~~ VEHICLES,
22 AS DEFINED IN SECTION 42-1-102 (88.5), C.R.S., and to procure accident
23 insurance covering the medical expenses incurred by any pupil who is
24 injured while being furnished transportation by the school district
25 pursuant to section 22-32-113, including injury received in the course of
26 entering or alighting from any school ~~bus~~ VEHICLE or other means of
27 transportation furnished by the school district;

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SECTION 6. 22-32-113 (4), Colorado Revised Statutes, is amended to read:

22-32-113. Transportation of pupils - when. (4) A board may reimburse a parent or guardian for the expenses incurred by such parent or guardian in furnishing transportation to and from a public school or DESIGNATED school ~~bus-line~~ VEHICLE STOP for his OR HER child or children and for other pupils enrolled in the schools of the district; but the board may not reimburse any person for transportation furnished to a pupil resident in another school district without the consent of the board or other governing body of the district of residence. The amount and payment of such expenses shall be as determined by the board paying such expenses.

SECTION 7. 22-32-128, Colorado Revised Statutes, is amended to read:

22-32-128. Use of school vehicles by residents of district. At times to be specified by the board, ~~motor~~ SCHOOL vehicles used for the transportation of pupils pursuant to the provisions of section 22-32-113 shall be available to groups of five or more residents of the district who are sixty-five years of age or older for use within or without the district. The board of education of each school district of the state shall adopt policies regarding the reasonable use of such vehicles by groups of persons with special consideration being given those residents who are sixty-five years of age or older. Such ~~motor~~ SCHOOL vehicles shall be covered by an insurance policy similar to, with limits not less than, the insurance coverage which is in effect while said ~~motor~~ SCHOOL vehicles are used for the transportation of pupils. To the extent that such policies

1 provide for the reimbursement to the school district of all the expenses of
2 the operation of such ~~motor~~ SCHOOL vehicles as determined by the school
3 district auditor, no such reimbursement shall constitute compensation, and
4 it shall not subject the school district to the provisions of article 10 or 11
5 of title 40, C.R.S. The miles traveled and the costs expended under this
6 article shall not be allowable for the computation of benefits accruing to
7 a school district under the provisions of article 51 of this title.

8 **SECTION 8.** 22-33-106 (1) (c.5) (II), Colorado Revised Statutes,
9 is amended to read:

10 **22-33-106. Grounds for suspension, expulsion, and denial of**
11 **admission.** (1) The following shall be grounds for suspension or
12 expulsion of a child from a public school during a school year:

13 (c.5) (II) For purposes of this paragraph (c.5), "habitually
14 disruptive student" means a child who has been suspended pursuant to
15 paragraph (a), (b), (c), or (d) of this subsection (1) three times during the
16 course of the school year for causing a material and substantial disruption
17 in the classroom, on school grounds, on A school ~~vehicles~~ VEHICLE, AS
18 DEFINED IN SECTION 42-1-102 (88.5), C.R.S., or at school activities or
19 events, because of behavior that was initiated, willful, and overt on the
20 part of the child. Any student who is enrolled in a public school may be
21 subject to being declared an habitually disruptive student.

22 **SECTION 9.** 22-45-103 (1) (c) (I) (E) and (1) (c) (II), Colorado
23 Revised Statutes, are amended to read:

24 **22-45-103. Funds.** (1) The following funds are created for each
25 school district for purposes specified in this article:

26 (c) **Capital reserve fund.** (I) Moneys allocated pursuant to the
27 provisions of section 22-54-105 (2) shall be transferred from the general

1 fund and recorded in the capital reserve fund along with the revenues
2 received pursuant to section 39-5-132, C.R.S. Such revenues may be
3 supplemented by gifts, donations, and tuition receipts. Unencumbered
4 moneys in the fund may be transferred to a fund or an account within the
5 general fund established in accordance with generally accepted
6 accounting principles solely for the management of risk-related activities
7 as identified in section 24-10-115, C.R.S., and article 13 of title 29,
8 C.R.S., by resolution of the board of education when such transfer is
9 deemed necessary by the board. Except as provided in subparagraph (V)
10 of this paragraph (c), expenditures from the fund shall be limited to
11 long-range capital outlay expenditures and shall be made only for the
12 following purposes:

13 (E) Acquisition of A school ~~buses~~ VEHICLE, AS DEFINED IN
14 SECTION 42-1-102 (88.5), C.R.S., or other equipment, except equipment
15 specified in sub-subparagraph (H) of this subparagraph (I);

16 (II) Expenditures from the fund, other than for installment
17 purchase agreements with an option to purchase, as provided in
18 subparagraph (II.5) of this paragraph (c), shall be authorized by a
19 resolution adopted by the board of education of a school district at any
20 regular or special meeting of the board. The resolution shall specifically
21 set forth the purpose of the expenditure, the estimated total cost of the
22 project, the location of the structure to be constructed, added to, altered,
23 or repaired, a description of any school ~~buses~~ VEHICLES or equipment to
24 be purchased, and where such equipment will be installed.

25 **SECTION 10.** 42-1-102 (88), Colorado Revised Statutes, is
26 amended, and the said 42-1-102 is further amended BY THE ADDITION
27 OF A NEW SUBSECTION, to read:

1 **42-1-102. Definitions.** As used in articles 1 to 4 of this title,
2 unless the context otherwise requires:

3 (88) "School bus" means ~~every~~ A motor vehicle ~~which is owned~~
4 ~~by or under contract to a public or governmental agency and operated~~
5 THAT IS DESIGNED AND USED SPECIFICALLY for the transportation of
6 SCHOOL children to or from A PUBLIC OR PRIVATE school or ~~any~~
7 ~~school-sponsored activities, or which is privately owned and operated for~~
8 ~~compensation but it~~ A SCHOOL-RELATED ACTIVITY, WHETHER THE
9 ACTIVITY OCCURS WITHIN OR WITHOUT THE TERRITORIAL LIMITS OF ANY
10 DISTRICT AND WHETHER OR NOT THE ACTIVITY OCCURS DURING SCHOOL
11 HOURS. "SCHOOL BUS" does not include informal or intermittent
12 arrangements, such as sharing of actual gasoline expense or participation
13 in a car pool, for the transportation of SCHOOL children to or from A
14 PUBLIC OR PRIVATE school or ~~any school-sponsored activities~~ A
15 SCHOOL-RELATED ACTIVITY.

16 (88.5) (a) "SCHOOL VEHICLE" MEANS A MOTOR VEHICLE,
17 INCLUDING BUT NOT LIMITED TO A SCHOOL BUS, THAT IS OWNED BY OR
18 UNDER CONTRACT TO A PUBLIC OR PRIVATE SCHOOL AND OPERATED FOR
19 THE TRANSPORTATION OF SCHOOL CHILDREN TO OR FROM SCHOOL OR A
20 SCHOOL-RELATED ACTIVITY.

21 (b) "SCHOOL VEHICLE" DOES NOT INCLUDE:

22 (I) INFORMAL OR INTERMITTENT ARRANGEMENTS, SUCH AS
23 SHARING OF ACTUAL GASOLINE EXPENSE OR PARTICIPATION IN A CAR POOL,
24 FOR THE TRANSPORTATION OF SCHOOL CHILDREN TO OR FROM A PUBLIC OR
25 PRIVATE SCHOOL OR A SCHOOL-RELATED ACTIVITY; OR

26 (II) A MOTOR VEHICLE THAT IS OWNED BY OR UNDER CONTRACT
27 TO A CHILD CARE CENTER, AS DEFINED IN SECTION 26-6-102 (1.5), C.R.S.,

1 AND THAT IS USED FOR THE TRANSPORTATION OF CHILDREN WHO ARE
2 SERVED BY THE CHILD CARE CENTER.

3 **SECTION 11.** 42-2-105 (1), Colorado Revised Statutes, is
4 amended to read:

5 **42-2-105. Special restrictions on certain drivers.** (1) ~~No~~ A
6 person under the age of eighteen years shall NOT drive any motor vehicle
7 used to transport explosives or inflammable material or any motor vehicle
8 used as a school ~~bus~~ VEHICLE for the transportation of pupils to or from
9 school. ~~No~~ A person under the age of eighteen years shall NOT drive a
10 motor vehicle used as a commercial, private, or common carrier of
11 persons or property unless such person has experience in operating motor
12 vehicles and has been examined on such person's qualifications in
13 operating such vehicles. The examination shall include safety regulations
14 of commodity hauling, and the driver shall be licensed as a driver or a
15 minor driver who is eighteen years of age or older.

16 **SECTION 12.** 42-4-229 (1), Colorado Revised Statutes, is
17 amended to read:

18 **42-4-229. Safety glazing material in motor vehicles.** (1) No
19 person shall sell any new motor vehicle, nor shall any new motor vehicle
20 be registered, unless such vehicle is equipped with safety glazing material
21 of a type approved by the department for any required front windshield
22 and wherever glazing material is used in doors and windows of said
23 motor vehicle. This section shall apply to all passenger-type motor
24 vehicles, including passenger buses and school ~~buses~~ VEHICLES, but, in
25 respect to camper coaches and trucks, including truck tractors, the
26 requirements as to safety glazing material shall apply only to all glazing
27 material used in required front windshields and that used in doors and

1 windows in the drivers' compartments and such other compartments as
2 are lawfully occupied by passengers in said vehicles.

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5 **SECTION 13.** 42-4-707 (5) (b), Colorado Revised Statutes, is
6 amended to read:

7 **42-4-707. Certain vehicles must stop at railroad grade**
8 **crossings.** (5) For the purposes of this section:

9 (b) "School bus" means ~~only those school buses that are~~ A SCHOOL
10 BUS THAT IS required to bear on the front and rear of such school bus the
11 words "SCHOOL BUS" and display visual signal lights pursuant to
12 section 42-4-1903 (2) (a).

13 **SECTION 14. Repeal.** 42-4-1901 (3) (b), Colorado Revised
14 Statutes, is repealed as follows:

15 **42-4-1901. School buses - equipped with supplementary brake**
16 **retarders.** (3) For purposes of this section and section 42-4-1902:

17 (b) ~~"School bus" means any bus used to transport students to and~~
18 ~~from school or a school-sponsored activity, whether said activity occurs~~
19 ~~within or without the territorial limits of any district and whether or not~~
20 ~~occurring during school hours.~~

21 **SECTION 15.** 42-4-1902, Colorado Revised Statutes, is amended
22 to read:

23 **42-4-1902. School vehicle drivers - special training required.**
24 On and after July 1, 1992, the driver of any school bus as defined in
25 section ~~42-4-1901 (3) (b),~~ VEHICLE AS DEFINED IN SECTION 42-1-102
26 (88.5), C.R.S., owned or operated by or for any school district in this state
27 shall have successfully completed training, approved by the department

1 of education, concerning driving on mountainous terrain, as defined in
2 section 42-4-1901 (3) (a), and driving in adverse weather conditions.

3 **SECTION 16. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.