

LEGISLATIVE BILL 358

Approved by the Governor May 21, 1973

Introduced by Warner, 25

AN ACT to amend sections 79-488, 79-488.06, and 79-4,118, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,119, Revised Statutes Supplement, 1972, relating to schools; to extend provisions to all school buses and school bus drivers; to provide for the loan of textbooks by boards of education as prescribed; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 79-488, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-488. All boards of education and the governing authority of any nonpublic school in this state shall cause all school buses, whether owned by the district or school or not, to be inspected before school shall open in the fall and each eighty days during that part of the year when school is in session, by a qualified motor vehicle mechanic appointed by the board of education or governing authority and approved by the county superintendent or district superintendent; Provided, that any bus that has been inspected under rules and regulations of the State-Railway Public Service Commission shall be exempted from the provisions of this section. The mechanic shall thoroughly inspect every bus as to brakes, lights, windshield wipers, window glass, tires, doors, heaters, defrosting equipment, steering gear, and the mechanical condition of every part of such bus bearing upon the safety thereof as a means of transportation. Within five days after such inspection, the mechanic shall make a report of his inspection in writing on regular forms provided by the State Department of Education which shall show the work done, and file one copy of such report with the owner if other than the school district or school, and one copy with the board of education or governing authority using such bus to transport pupils, and also file one copy with the county superintendent or district superintendent and the State Department of Education.

All such boards of education and governing authorities shall also cause such buses to be inspected

at least twice during each calendar year by the Nebraska State Patrol. The Nebraska State Patrol shall thoroughly inspect every bus as to brakes, lights, windshield wipers, window glass, tires, doors, heaters, defrosting equipment, steering gear, and the mechanical condition of such bus bearing upon the safety thereof as a means of transportation. Within five days after such inspection, the Nebraska State Patrol shall make a report of its inspection in writing, and file one copy of such report with the board of education or governing authority and file one copy with the State Department of Education. If any inspection required by the provisions of this section discloses any defect in equipment bearing upon the safety of a bus as a means of transportation and the defect is not corrected within twenty-four hours after discovery, the bus shall immediately be removed from service until such defects are corrected to the satisfaction of a law enforcement officer. Failure to remove such bus from service shall constitute a misdemeanor, and, any person guilty thereof shall, upon conviction thereof, be punished by a fine of not less than ten nor more than one hundred dollars. Such conviction shall be grounds for dismissal of any employee.

Sec. 2. That section 79-488.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-488.06. Any person operating a school bus, including any school bus which transports pupils by direct contract with the pupils or their parents and not owned by or under contract with the school district or nonpublic school, before the opening of a school term or before operating a school bus, shall each year submit himself to (1) an examination, to be conducted by a driver's license examiner of the Department of Motor Vehicles, to determine his qualifications to operate such bus, and (2) an examination by a licensed physician to determine whether or not he meets the physical and mental standards established pursuant to subdivision (12) of section 79-328, and shall furnish to the board of education or governing authority of a nonpublic school and the Director of Motor Vehicles a written report of each such examination on standard forms prescribed by the State Department of Education, signed by the person conducting the same, showing he is qualified to operate a school bus and that he meets the physical and mental standards. If the Director of Motor Vehicles determines that he is so qualified and meets such standards, a special school bus operator's permit in such form as the director shall prescribe shall be issued to him. No contract shall be entered into until such permit shall have been received and exhibited to the board of

education or the governing authority of a nonpublic school. The holder of such permit shall have it on his person at all times while operating a school bus. It shall be unlawful for any person operating a school bus to be or remain on duty for a longer period than sixteen consecutive hours. When any person operating a bus shall have been continuously on duty for sixteen hours, he shall be relieved and not be permitted or required to again go on duty without having at least ten consecutive hours' rest off duty, and no such operator, who has been on duty sixteen hours in the aggregate in any twenty-four hour period, shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than twenty-five nor more than one hundred dollars, and the contract canceled as provided in subdivision (12) of section 79-328.

Sec. 3. That section 79-4,118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-4,118. Boards of education of all classes shall purchase all equipment and supplies necessary for the schools of such district.

Boards of education shall have the power and duty to purchase and to loan textbooks to all children who are enrolled in grades kindergarten to grade twelve of a public school and, upon individual request, to children who are enrolled in grades-seven kindergarten to grade twelve of a private school which is approved for continued legal operation under rules and regulations established by the State Board of Education pursuant to subdivision 5 (c) ~~of-subsection-5~~ of section 79-328. Textbooks loaned to children enrolled in grades--seven kindergarten to grade twelve of such private schools shall be textbooks which are designated for use in the public schools of the school district. Such textbooks are to be loaned free to such children subject to such rules and regulations as are or may be prescribed by such boards of education.

Sec. 4. That section 79-4,119, Revised Statutes Supplement, 1972, be amended to read as follows:

79-4,119. For the purpose of paying for school books, equipment, and supplies, the school district officers may draw an order on the district treasurer for the amount of school books, equipment, and supplies ordered.

Each school district, in addition to the financial support received under the provisions of section 79-1334, shall receive from the School Foundation and Equalization Fund an amount equal to the cost of textbooks purchased and loaned by the district, but in no case shall the district receive for this purpose in excess of an average of fifteen dollars per pupil enrolled in ~~grades-seven kindergarten~~ to ~~grade~~ twelve in the public and private schools located in such district for each of the school years 1972-1973, 1973-1974 and 1974-1975, and in excess of an average of ten dollars per pupil enrolled in ~~grades--seven kindergarten~~ to ~~grade~~ twelve for each subsequent school year.

Sec. 5. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

Sec. 6. That original sections 79-488, 79-488.06, and 79-4,118, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,119, Revised Statutes Supplement, 1972, are repealed.