

# *School Transportation*



---

# ADMINISTRATOR'S HANDBOOK

---

*Revised November 2013*

---



*The Department of Elementary and Secondary Education does not discriminate on the basis of race, color, religion, gender, national origin, age, or disability in its programs and activities. Inquiries related to Department programs and to the location of services, activities, and facilities that are accessible by persons with disabilities may be directed to the Jefferson State Office Building, Office of the General Counsel, Coordinator – Civil Rights Compliance (Title VI/Title IX/504/ADA/Age Act), 6th Floor, 205 Jefferson Street, P.O. Box 480, Jefferson City, MO 65102-0480; telephone number 573-526-4757 or TTY 800-735-2966; email [civilrights@dese.mo.gov](mailto:civilrights@dese.mo.gov).*

## TABLE OF CONTENTS

|   |    |
|---|----|
| Introduction .....  | i  |
| Section 1 - School Transportation Administration Model.....                   | 1  |
| Section 2 - Services of the School Transportation Section .....               | 4  |
| Section 3 - Revised Statutes of Missouri Excerpts.....                        | 5  |
| Chapter 43    Criminal History Records.....                                   | 5  |
| Chapter 160   Discipline and Emergency Preparedness Plans .....               | 5  |
| Chapter 162   Services Provided to Handicapped Pupils. ....                   | 6  |
| Chapter 163   State Aid.....  | 7  |
| Chapter 165   Budget and Current Financing. ....                              | 8  |
| Chapter 167   Pupils and Special Services. ....                               | 9  |
| Chapter 168   Personnel--Teachers and Others.....                             | 12 |
| Chapter 171   School Operations.....  | 13 |
| Chapter 178   Spec. Schools & Instr. & Spec. Districts.....                   | 13 |
| Chapter 191   Health and Welfare. ....  | 14 |
| Chapter 210   Child Protection and Reformation .....                          | 14 |
| Chapter 301   Registration & Licensing of Motor Vehicles.....                 | 14 |
| Chapter 302   Drivers' and Commercial Drivers' Licenses.....                  | 15 |
| Chapter 304   Traffic Regulations .....                                       | 25 |
| Chapter 307   Vehicle Equipment Regulations. ....                             | 30 |
| Chapter 390   School Bus Definition .....                                     | 34 |
| Chapter 414   Bio-Diesel Fuel .....   | 34 |
| Chapter 432   Contracts Required to be in Writing .....                       | 35 |
| Chapter 537   Torts and Actions for Damages.....                              | 35 |
| Chapter 569   Trespass of a School Bus .....                                  | 36 |
| Chapter 574   Institutional Vandalism .....                                   | 36 |
| Section 4 - Code of State Regulation Excerpts .....                           | 37 |
| 5 CSR 30-261.010   Requirements for the Operation of School Buses. ....       | 37 |
| 5 CSR 30-261.025   Minimum Requirements for School Bus Chassis and Body ..... | 41 |
| 5 CSR 30-261.040   Allowable Costs for State Transportation Aid .....         | 41 |
| 5 CSR 30-261.045   Transportation in Vehicles Other Than School Buses.....    | 46 |
| 5 CSR 30-261.050   Pupil Transportation Hardships.....                        | 48 |
| 7 CSR 265-10.070   Classification of Common Carriers .....                    | 49 |
| Section 5 - Appendix-Resource Reference .....                                 | 51 |

## INTRODUCTION

Pupil transportation is an essential part of the overall school program, which requires constant supervision and direction. Perhaps no other phase of the school program is more closely observed by the public or has a greater tendency to mold public opinion about the schools than the school bus system.

The success of any school district pupil transportation service operation depends largely upon the quality of performance and degree of dedication displayed by those involved. This publication presents excerpts from the Revised Statutes of Missouri (RSMo) and Code of State Regulations (CSR) pertaining to pupil transportation. Also recommendations designed to assist school district administrators in complying with state pupil transportation statutes, regulations, and policies are included.

State statutes and regulations are only minimum requirements. School district officials concerned with pupil transportation, particularly boards of education, are required by state statute to adopt and enforce policies that ensure the safety of pupils while being transported.

This publication is divided into five sections: Section 1-School Transportation Administration Model, Section 2-Services of the Department's School Transportation Section, Section 3-Revised Statutes of Missouri Excerpts, Section 4-Code of State Regulation Excerpts, and Section 5-Appendix - Resource Reference List of Agencies and Vendor Contact Information.

## **SECTION 1 - SCHOOL TRANSPORTATION ADMINISTRATION MODEL**

### **OBJECTIVES**

The transportation of school children safely and economically in school buses can be assured through observance of state statutes, state regulations, and local board of education policies governing operations of pupil transportation.

### **SCHOOL TRANSPORTATION PROGRAM MODEL**

Laws authorizing public school transportation require boards of education to assume certain responsibilities. Through the local administration, these responsibilities are administered in accordance with the policies adopted by the local board of education and in conformity with the statutes and regulations governing pupil transportation.

- A. The local school district board of education responsibilities are to:
  - 1. Determine the pupil transportation needs of the local district.
  - 2. Secure proper authorization in accordance with law for providing pupil transportation.
  - 3. Adopt specific written policies regarding the pupil transportation program.
  - 4. Provide and maintain safe buses which meet approved standards.
  - 5. Plan routes and schedules to render reasonable and economical service.
  - 6. Employ only drivers that have met all licensing requirements and State Board of Education regulations relating to driver qualification.
  - 7. Require liability and property damage insurance for contracted vehicles transporting pupils.
  - 8. Prepare and submit pupil transportation reports required by the State Board of Education.
- B. School district administration shall provide the following:
  - 1. Leadership in the implementation of a comprehensive pupil transportation program consistent with federal law, state statutes, the code of state regulations, and board of education policy.
  - 2. A local director of pupil transportation with the staff and other resources necessary for optimal transportation performance.
  - 3. A clear, concise pupil transportation discipline policy.
  - 4. A cost accounting system for all expenditures in the area of pupil transportation.
  - 5. A pupil transportation safety program utilizing community resources, law enforcement, and state agencies.
  - 6. A student handbook containing detailed instructions for implementing the school district's transportation policies.
  - 7. A comprehensive school bus driver training program for both pre-service and in-service instruction which includes classroom and behind the wheel instruction.
  - 8. A comprehensive safety and ridership curricula for pupil passengers.
  - 9. A comprehensive school bus preventive and ongoing maintenance program.
  - 10. Prepare and distribute bus schedules to drivers and transported pupils.
  - 11. Keep a record of pupils transported.
  - 12. Prepare and keep current all school bus route maps.
- C. Local director of pupil transportation duties include, but are not limited to:
  - 1. Assist in planning, budgeting and forecasting for the pupil transportation system.
  - 2. Supervise the implementation of the school district's plan for equipment preventative and on-going maintenance.
  - 3. Recruit, instruct and supervise pupil transportation personnel.
  - 4. Route and schedule school buses for safe, efficient and economical pupil transportation service and annually evaluate route pickup and drop-off locations for pupil safety.
  - 5. Assist in the development and implementation of pupil transportation safety education programs.

6. Investigate and report school bus accidents.
  7. Maintain pupil transportation records and prepare reports as required.
  8. Conduct an annual evaluation of the pupil transportation system.
  9. Provide continuous supervision of loading and unloading areas at or near the school building(s).
  10. Provide transportation personnel opportunities for growth in job related activities.
  11. Provide to each school bus driver at the time of employment, a school bus driver's handbook. This handbook shall include the following:
    - (A) The state transportation laws, regulations and local policies governing pupil transportation and school bus operation.
    - (B) Vehicle operation and maintenance.
    - (C) Procedures for the driver to perform when involved in an accident.
    - (D) Basic first aid procedures.
  12. Conduct regularly scheduled safety meetings for employees to meet the annual requirement of at least 8 hours.
- D. Policies and guidelines:
- Once established, policies and guidelines become the basis for development of operating procedures. This allows decisions about operational details to be made at the administrative level rather than by the local board of education. Policies and guidelines should be precise, in writing, and cover the following topics:
1. A statement of philosophy.
  2. A definition of the pupil transportation program's goals and objectives.
  3. Procedures for determining eligibility for transportation.
  4. Access to school buses.
  5. A description of all types of transportation provided.
  6. The days on which service will be available.
  7. School start and closing time.
  8. Administrative responsibilities related to program service.
  9. Essential routing constraints.
  10. The extent of special transportation service.
  11. Student behavior, rules and regulations.
  12. Provisions for the use of contract transportation and/or charter buses.
  13. Acceptable purchasing procedures.
  14. Desired limits of insurance coverage.
  15. Emergency procedures and/or contingency plans to be followed in the event of an accident, unexpected school closing, or unforeseen route change.
  16. A pupil transportation program organization chart, identifying the flow of responsibility from the board of education to the school bus driver.
  17. Transportation safety education guidelines for driver and pupils.

## **SCHOOL BUS ROUTING**

- A. In determining school bus routing procedures, the following general criteria should be studied:
  1. Location of pupil's residence.
  2. Grade and age of the pupil to be transported.
  3. Type and condition of roads.
  4. Standard of service desired.
  5. Funds available for transportation service.
- B. The following information should also be taken into consideration when establishing school bus routes.
  1. The general safety of all routes in relation to hazards such as hills, intersections, railroad crossings, bridges, sharp curves, and obstructions to visibility.
  2. The general safety of loading and unloading stops in relation to the visibility of approaching motorists.
  3. Walking distance to the bus stop in relation to the age of the pupil.

4. Walking route safety to loading stop, from unloading stop, and loading zones.
- C. The following are guidelines recommended by the State Board of Education to help school officials review bus routes and their transportation program in general:
  1. Bus stops should be authorized and designated by the school administration. Procedures for changes in bus stops should be established.
  2. Duplication of route miles and "deadheading" should be avoided if at all possible.
  3. In towns and cities, school bus stops should be established at least six to eight blocks apart, unless conditions make it impractical to do so.
  4. In order to use the fewest number of buses, multiple routes should be used when possible. This can be accomplished by using tiered starting times for attendance centers.
  5. All buses should be loaded as near capacity as possible, using a bus of appropriate size for each route.
  6. Routes should be planned to avoid dead-end streets or cul-de-sacs whenever possible.
  7. School district officials should assign pupils to buses in a way that equalizes bus loads and avoids overloading.
  8. Buses should be used primarily to transport pupils to and from school. Buses may be used to transport pupils on school-sponsored activity trips, but such trips should not interfere with the transportation of pupils to and from school.

### **SAFE OPERATION**

Safety is a major consideration in planning and operating pupil transportation programs. Proper planning for safety is denoted by a readily apparent interest in safety on the part of the school board, the superintendent, the principal, the school bus driver, the transported pupils, and patrons. A program to acquaint all students with safe riding and loading and unloading procedures should be implemented and continued throughout the year.

### **BUS MAINTENANCE**

Proper maintenance of school buses is important to safe and economical operation. Proper maintenance is demonstrated, in part, by clean, well-kept buses that pass with a high percentage the inspections by a licensed inspection mechanic within 60 days prior to operating the bus during the school year and the spring inspection by the Missouri State Highway Patrol. The quality of the maintenance program is also reflected in the efficiency of the transportation service. An efficient maintenance program provides for emergency service and reduces interference with the school program to a minimum.

## SECTION 2 - SERVICES OF THE SCHOOL TRANSPORTATION SECTION

Assistance to administrators can be provided in the following areas:

- A. State and Federal laws.
- B. State agency rules.
- C. School bus manufacturing specifications.
- D. School bus routing procedures.
- E. Contracting procedure.
- F. State and national statistics.
- G. Record keeping procedures.

### EXEMPLARY SCHOOL BUS MAINTENANCE AWARD

The Department of Elementary and Secondary Education provides an Exemplary School Bus Maintenance Award to school districts and/or contractors who have 90% or more of their buses pass the Missouri State Highway Patrol spring school bus inspection on the first inspection. The award also recognizes programs whose buses have met these criteria in five year increments.

### SCHOOL BUS DRIVER TRAINING

A program to train and certify individuals as school bus driver trainers is available. This program helps school districts and school bus contractors maintain a trained staff of drivers. The Certified School Bus Driver Instructor training program is jointly sponsored by the Missouri Safety Center (University of Central Missouri), Missouri School Bus Contractors Association (MSBCA), and the Department of Elementary and Secondary Education's School Transportation Section. This program is usually conducted during the months of June and/or July. The program provides individuals with classroom and hands-on practical instructional activities. The goal is to provide each trainee with a model curriculum and instructional skills necessary to design and implement a school bus driver training program.

### TRANSPORTATION REPORTS AND DUE DATES

| REPORT TITLE                                     | DATE DUE           |
|--|--------------------|
| Application for State Transportation Aid         | August 15 via ASBR |
| Depreciation Schedules<br>School Bus<br>Facility | August 15 via ASBR |

## SECTION 3 - REVISED STATUTES OF MISSOURI EXCERPTS

A school district's transportation program is authorized by and based upon state statutes. The following selected state statutes govern pupil transportation. In some cases these statutes contain sections that do not pertain to pupil transportation. To save space these sections have been omitted and designated with ellipsis (...). In other cases the statutes have been summarized for brevity and clarity. Summarized laws are shown in italics typestyle. Editorial notes are enclosed in brackets [ ]. Individuals desiring to access the complete text of these state statutes should refer to the Revised Statutes of Missouri.

### CHAPTER 43

#### **§ 43.530, RSMo Fees, method of payment--criminal record system fund, established--fund not to lapse.-**

1. For each request requiring the payment of a fee received by the central repository, the requesting entity shall pay a fee of not more than nine dollars per request for criminal history record information not based on a fingerprint search. In each year beginning on or after January 1, 2010, the superintendent may increase the fee paid by requesting entities by an amount not to exceed one dollar per year, however, under no circumstance shall the fee paid by requesting entities exceed fifteen dollars per request.
2. For each request requiring the payment of a fee received by the central repository, the requesting entity shall pay a fee of not more than twenty dollars per request for criminal history record information based on a fingerprint search, unless the request is required under the provisions of subdivision (6) of section 210.481, RSMo, section 210.487, RSMo, or section 571.101, RSMo, in which case the fee shall be fourteen dollars.
3. A request made under subsections 1 and 2 of this section shall be limited to check and search on one individual. Each request shall be accompanied by a check, warrant, voucher, money order, or electronic payment payable to the state of Missouri-criminal record system or payment shall be made in a manner approved by the highway patrol. The highway patrol may establish procedures for receiving requests for criminal history record information for classification and search for fingerprints, from courts and other entities, and for the payment of such requests. There is hereby established by the treasurer of the state of Missouri a fund to be entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section 33.080, RSMo, to the contrary, if the moneys collected and deposited into this fund are not totally expended annually for the purposes set forth in sections 43.500 to 43.543, the unexpended moneys in such fund shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year.

### CHAPTER 160

**§ 160.261, RSMo** *This statute deals with discipline and the requirement for a written policy established by local boards of education, contents, reporting requirements, additional restrictions for certain suspensions, weapons offense, mandatory suspension or expulsion, no civil liability for authorized personnel, spanking not child abuse, investigation procedure, officials falsifying reports, and the penalty.*

#### **§ 160.480, RSMo Emergency preparedness plans--school boards may adopt, use of facilities and resources--review by the board, when.-**

1. The board of education of each school district in this state is authorized to adopt an emergency preparedness plan to address the use of school resources, including school

- facilities, commodity foods, school buses, and equipment if a natural disaster or other community emergency occurs.
2. The emergency preparedness plan may authorize the superintendent or other designated school officials to approve use of school resources to provide relief to the community if an emergency occurs.
  3. Food assistance may be provided using commodities distributed by the United States Department of Agriculture consistent with the standards for emergency congregate feeding under such program.
  4. The use of school resources under this section shall be subject to review by the board of education within thirty days of authorization or as soon as reasonably possible.

## CHAPTER 162

### **162.064, RSMo Bus drivers, medical endorsement required, when.-**

Each school district shall have on file a statement from a medical examiner which indicates that the driver is physically qualified to operate a school bus for the purpose of transporting pupils. Such statement shall be made on an annual basis. The term "medical examiner" includes, but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic. For new drivers, such statement shall be on file prior to the driver's initial operation of a school bus. This section shall apply to drivers employed by the school district or under contract with the school district.

### **162.065, RSMo Bus driver training required.-**

On an annual basis, each school district shall provide training in at least eight hours of duration to each school bus driver employed by the school district or under contract with the school district. Such training shall provide special instruction in school bus driving.

**§ 162.670 to 162.995, RSMo** *These sections deal with services to be provided for students with disabilities. Transportation shall be provided as required in sections 162.670 to 162.995 RSMo.*

### **§ 162.700, RSMo Special educational services, required when-...-special services, ages three and four remedial reading program, how funded.-**

1. The board of education of each school district in this state, except school districts which are part of a special school district, and the board of education of each special school district shall provide special educational services for children with disabilities three years of age or more residing in the district as required by P.L. 99-457, as codified and as may be amended. Any child, determined to be a child with disabilities, shall be eligible for such services upon reaching his or her third birthday and state school funds shall be apportioned accordingly. This subsection shall apply to each full school year beginning on or after July 1, 1991. In the event that federal funding fails to be appropriated at the authorized level as described in 20 U.S.C. 1419(b)(2), the implementation of this subsection relating to services for children with disabilities three and four years of age may be delayed until such time as funds are appropriated to meet such level. Each local school district and each special school district shall be responsible to engage in a planning process to design the service delivery system necessary to provide special education and related services for children three and four years of age with disabilities. The planning process shall include public, private, and private not-for-profit agencies which have provided such services for this population. The school district, or school districts, or special school district, shall be responsible for designing an efficient service delivery system which uses the present resources of the local community which may be funded by the department of elementary and secondary education or the department of mental health. School districts may coordinate with public, private, and private not-for-

profit agencies presently in existence. The service delivery system shall be consistent with the requirements of the department of elementary and secondary education to provide appropriate special education services in the least restrictive environment. ...

6. Any and all state costs required to fund special education services for three- and four-year-old children under this section shall be provided for by a specific, separate appropriation and shall not be funded by a reallocation of money appropriated for the public school foundation program. ...

**§ 162.710, RSMo Transportation, how provided.-**

The district responsible for furnishing special educational services shall provide necessary transportation for all handicapped children residing within the district, including transportation to and from contracted day classes, notwithstanding the provisions of sections 162.621 and 167.231, RSMo.

**§ 162.821.18, RSMo District secretary, duties of - report, contents of.-**

The district secretary shall keep a record of the proceedings of all annual and special elections of the voters of the district and of the proceedings of the board of education. He shall make copies of the election notices, contracts with teachers, certificates and all other papers relating to the business of the district, and securely keep the same. He shall maintain a correct plat of the district and shall promptly notify the department of elementary and secondary education and the county clerk of each county affected of all changes in the boundaries of the district. He shall transmit to the county commission and to the state department of elementary and secondary education, on or before the fifteenth day of August in each year, a report embracing the following items:

18. Such other information as may be required by the state board of education.

**CHAPTER 163**

**§ 163.013, RSMo Schools offering both kindergarten and transportation, state aid, how computed.-**

Any school offering kindergarten and also offering transportation under section 167.231, RSMo, shall receive state aid for kindergarten students under the same formula as prescribed by law under section 163.031.

**§ 163.031.3, RSMo Minimum Aid-amount, how determined-source of funds, how spent.-**

3. School districts that meet the requirements of section 163.021 shall receive categorical add-on revenue as provided in this subsection. The categorical add-on for the district shall be the sum of: seventy-five percent of the district allowable transportation costs under section 163.161; the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo; the vocational education entitlement for the district, as provided for in section 167.332, RSMo; and the district educational and screening program entitlements as provided for in sections 178.691 to 178.699, RSMo. The categorical add-on revenue amounts may be adjusted to accommodate available appropriations.

**§ 163.161, RSMo State aid for transportation of pupils-powers of state board to approve or disapprove routes, or portions of routes-effect-limitations on use of funds.-**

1. Any school district which makes provision for transporting pupils as provided in section 162.621, RSMo, and sections 167.231 and 167.241, RSMo, shall receive state aid for the

- ensuing year for such transportation on the basis of the cost of pupil transportation services provided the current year. A district shall receive, pursuant to section 163.031, an amount not greater than seventy-five percent of the allowable costs of providing pupil transportation services to and from school and to and from public accredited vocational courses, and shall not receive an amount per pupil greater than one hundred twenty-five percent of the state average approved cost per pupil transported the second preceding school year, except when the state board of education determines that sufficient circumstances exist to authorize amounts in excess of the one hundred twenty-five percent of the state average approved cost per pupil transported the second previous year.
2. The state board of education shall determine public school district route approval procedures to be used by each public school district board of education to approve all bus routes or portions of routes and determine the total miles each public school district needs for safe and cost-efficient transportation of the pupils and the state board of education shall determine allowable costs. No state aid shall be paid for the costs of transporting pupils living less than one mile from the school. However, if the state board of education determines that circumstances exist where no appreciable additional expenses are incurred in transporting pupils living less than one mile from school, such pupils may be transported without increasing or diminishing the district's entitlement to state aid for transportation.
  3. State aid for transporting handicapped and severely handicapped students attending classes within the school district or in a nearby district under a contractual arrangement shall be paid in accordance with the provisions of section 163.031 and an amount equal to seventy-five percent of the additional cost of transporting handicapped and severely handicapped students above the average per pupil cost of transporting all students of the district shall be apportioned pursuant to section 163.031 where such special transportation is approved in advance by the department of elementary and secondary education. State aid for transportation of handicapped and severely handicapped children in a special school district shall be seventy-five percent of allowable costs as determined by the state board of education which may for sufficient reason authorize amounts in excess of one hundred twenty-five percent of the state average approved cost per pupil transported the second previous year. In no event shall state transportation aid exceed seventy-five percent of the total allowable cost of transporting all pupils eligible to be transported; provided that no district shall receive reduced reimbursement for costs of transportation of handicapped and severely handicapped children based upon inefficiency.
  4. No state transportation aid received pursuant to section 163.031 shall be used to purchase any school bus manufactured prior to April 1, 1977, that does not meet the federal motor vehicle safety standards.

## **CHAPTER 165**

### **§ 165.011, RSMo District funds-allocation of moneys-transfers-tuition paid from what funds.-**

1. The following funds are created for the accounting of all school moneys: teachers' fund, incidental fund, capital projects fund and debt service fund. The treasurer of the school district shall open an account for each fund specified in this section, and all moneys received from the county school fund and all moneys derived from taxation for teachers' wages shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under section 163.031, RSMo, and all other moneys received from the state except as herein provided shall be placed to the credit of the teachers' and incidental funds at the discretion of the district board of education, except as provided in subsection 6 of section 163.031, RSMo. Money received from other districts for transportation and

money derived from taxation for incidental expenses shall be credited to the incidental fund...

4. Other provisions of law to the contrary notwithstanding, the school board of a school district that meets the provisions of subsection 6 of section 163.031, RSMo, may transfer from the incidental fund to the capital projects fund the sum of:
  - 1) The amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year; plus ...
  - 5) An amount not to exceed the greater of:
    - (a) One hundred sixty-two thousand three hundred twenty-six dollars; or
    - (b) Seven percent of the state adequacy target multiplied by the district's weighted average daily attendance, provided that transfer amounts in excess of current year obligations of the capital projects fund authorized under this subdivision may be transferred only by a resolution of the school board approved by a majority of the board members in office when the resolution is voted on and identifying the specific capital projects to be funded directly by the district by the transferred funds and an estimated expenditure date.

**§ 165.121, RSMo Biennial audit of records-state aid withheld, when- publication of summary (seven-director districts)-**

1. The school board of each seven-director district shall cause an audit examination to be made at least biennially of all financial, transportation and attendance records of the districts. Such examination shall be made in accordance with generally accepted auditing standards applicable in the circumstance, including such reviews and tests of the system of internal check and control of the books, records and other underlying data as are necessary to enable the independent accountant performing the audit to come to an informed opinion as to the financial affairs (including attendance and transportation transactions) of the district. An independent auditor who is not regularly engaged as an employee of the school board shall perform the audit and make a written report of his findings. ...
3. The report shall contain the following information: ...
  - 7) The auditor's opinion as to whether attendance and transportation records are so maintained by the district as to disclose accurately average daily attendance and average daily transportation of pupils during the period of the audit;
4. The school board shall furnish the state department of elementary and secondary education with its copy of the audit report not later than October thirty-first, following the close of the fiscal period covered by the audit unless, for good cause shown prior to such date, the commissioner of education or some officer of the department of elementary and secondary education designated by him for this purpose grants an extension of time, not to exceed sixty additional days, for the filing of the report. In the event the report in the approved form is not filed within the period or extension thereof, further state aid to the district shall thereafter be withheld until the audit report has been received by the department of elementary and secondary education. ...

**CHAPTER 167**

**§ 167.117, RSMo Principal, teachers, school employees to report certain acts.-**

1. In any instance when any person is believed to have committed an act which if committed by an adult would be assault in the first, second or third degree, sexual assault, or deviate sexual assault against a pupil or school employee, while on school property, including a school bus in service on behalf of the district, or while involved in school activities, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent, except in any instance when any person is believed to

have committed an act which if committed by an adult would be assault in the third degree and a written agreement as to the procedure for the reporting of such incidents of third degree assault has been executed between the superintendent of the school district and the appropriate local law enforcement agency, the principal shall report such incident to the appropriate local law enforcement agency in accordance with such agreement.

2. In any instance when a pupil is discovered to have on or about such pupil's person, or among such pupil's possessions, or placed elsewhere on the school premises, including but not limited to the school playground or the school parking lot, on a school bus or at a school activity whether on or off of school property any controlled substance as defined in section 195.010, RSMo, or any weapon as defined in subsection 4 of section 160.261, RSMo, in violation of school policy, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent. ...

**§ 167.131.1, RSMo District not accredited shall pay tuition and transportation, when-- amount charged.-**

1. The board of education of each district in this state that does not maintain an accredited school pursuant to the authority of the state board of education to classify schools as established in section 161.092, RSMo, shall pay the tuition of and provide transportation consistent with the provisions of section 167.241, RSMo, for each pupil resident therein who attends an accredited school in another district of the same or an adjoining county.

**§ 167.231, RSMo Transportation of pupils by districts, except metropolitan- mileage limits for state aid-extra transportation, district expense-election, ballot form.-**

1. Within all school districts except metropolitan districts the board of education shall provide transportation to and from school for all pupils living more than three and one-half miles from school and may provide transportation for all pupils. State aid for transportation shall be paid as provided in section 163.161, RSMo, only on the basis of the cost of pupil transportation for those pupils living one mile or more from school, including transportation provided to and from publicly operated university laboratory schools. The board of education may provide transportation for pupils living less than one mile from school at the expense of the district and may prescribe reasonable rules and regulations as to eligibility of pupils for transportation, and, notwithstanding any other provision of law, no such district shall be subject to an administrative penalty when the district demonstrates pursuant to rule established by the state board of education that such students are required to cross a state highway or county arterial in the absence of sidewalks, traffic signals, or a crossing guard and that no existing bus stop location has been changed to permit a district to evade such penalty. If no increase in the tax levy of the school district is required to provide transportation for pupils living less than one mile from the school, the board may transport said pupils. If an increase in the tax levy of the school district is required to provide transportation for pupils living less than one mile from school, the board shall submit the question at a public election. If a two-thirds majority of the voters voting on the question at the election are in favor of providing the transportation, the board shall arrange and provide therefor.
2. The proposal and the ballots may be in substantially the following form:

Shall the board of education of the \_\_\_\_ school district provide transportation at the expense of the district for pupils living less than one mile from school and be authorized to levy an additional tax of \_\_\_\_ cents on the one hundred dollars assessed valuation to provide funds to pay for such transportation service?

YES  NO

(If you are in favor of the proposition (or question), place an X in the box opposite "YES". If you are opposed to the proposition (or question), place an X in the box opposite "NO".)

3. The board of education of any school district may provide transportation to and from school for any public school pupil not otherwise eligible for transportation under the provisions of state law, and may prescribe reasonable rules and regulations as to eligibility for transportation, if the parents or guardian of the pupil agree in writing to pay the actual cost of transporting the pupil. The minimum charge would be the actual cost of transporting the pupil for ninety school days, which actual cost is to be determined by the average per pupil cost of transporting children in the school district during the preceding school year. The full actual cost shall be paid by the parent or guardian of the pupil and shall not be paid out of any state school aid funds or out of any other revenues of the school district. The cost of transportation may be paid in installments, and the board of education shall establish the cost of the transportation and the time or times and method of payment.

**§ 167.232, RSMo Tax for extra transportation may be rescinded, procedure.-**

1. The board of education of any seven-director school district where the voters of the district have approved the transportation of pupils living less than one mile from the school and the levying of an additional tax to pay for such transportation as provided in section 167.231 may, when it determines such action advisable, present a proposition to the qualified voters of the district rescinding the tax levy and the requirement that transportation be provided for all pupils living less than one mile from school. Such a proposition shall not be presented to the voters until after such transportation services have been provided for three full school terms and then only at the annual election. Approval of the rescission by a majority of the voters would be effective on July first next following the election. After that date the district shall provide only such transportation as is authorized under subsection 1 of section 167.231. Upon December thirty-first of the year in which the rescission is effective, the district's tax levy shall be reduced by an amount equal to the increase approved by the voters under subsection 2 of section 167.231.
2. The ballot form for such an election shall be in substantially the following form:

Shall the board of education of the ..... school district be required to provide transportation only for those pupils living three and one-half miles or more from school with the option of providing transportation for those living a mile or more from school?

YES  NO

(If you are in favor of the proposition (or question), place an X in the box opposite "YES". If you are opposed to the proposition (or question), place an X in the box opposite "NO".)

**§ 167.241, RSMo Transportation of pupils to another district.-**

Transportation for pupils whose tuition the district of residence is required to pay by section 167.131 or who are assigned as provided in section 167.121 shall be provided by the district of residence; however, in the case of pupils covered by section 167.131, the district of residence shall be required to provide transportation only to school districts accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in section 161.092, RSMo, and those school districts designated by the board of education of the district of residence.

**§ 167.251, RSMo Board to prescribe rules and regulations-driver to give bond-fund charged with transportation expenses.-**

When transportation is provided by a district pursuant to law, the school board shall make all needful rules and regulations for the transportation of pupils and shall require from every person employed for that purpose, a reasonable bond conditioned upon the faithful discharge of his duties as prescribed by the board. Expenses of transportation shall be paid out of the incidental fund of the district.

**CHAPTER 168**

**§ 168.133, RSMo Criminal background checks required for school personnel, when, procedure--rulemaking authority.-**

1. The school district shall ensure that a criminal background check is conducted on any person employed after January 1, 2005, authorized to have contact with pupils and prior to the individual having contact with any pupil. Such persons include, but are not limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, and nurses. The school district shall also ensure that a criminal background check is conducted for school bus drivers. The district may allow such drivers to operate buses pending the result of the criminal background check. For bus drivers, the school district shall be responsible for conducting the criminal background check on drivers employed by the school district. For drivers employed by a pupil transportation company under contract with the school district, the criminal background check shall be conducted pursuant to section 43.540 and conform to the requirements established in the National Child Protection Act of 1993, as amended by the Volunteers for Children Act. Personnel who have successfully undergone a criminal background check and a check of the family care safety registry as part of the professional license application process under section 168.021 and who have received clearance on the checks within one prior year of employment shall be considered to have completed the background check requirement. A criminal background check under this section shall include a search of any information publicly available in an electronic format through a public index or single case display.
2. In order to facilitate the criminal history background check, the applicant shall submit a set of fingerprints collected pursuant to standards determined by the Missouri highway patrol. The fingerprints shall be used by the highway patrol to search the criminal history repository and shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files.
3. The applicant shall pay the fee for the state criminal history record information pursuant to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record when he or she applies for a position authorized to have contact with pupils pursuant to this section. The department shall distribute the fees collected for the state and federal criminal histories to the Missouri highway patrol.
4. The department of elementary and secondary education shall facilitate an annual check of employed persons holding current active certificates under section 168.021 against criminal history records in the central repository under section 43.530, the sexual offender registry under sections 589.400 to 589.475\*, and child abuse central registry under sections 210.109 to 210.183. The department of elementary and secondary education shall facilitate procedures for school districts to submit personnel information annually for persons employed by the school districts who do not hold a current valid certificate who are required by subsection 1 of this section to undergo a criminal background check, sexual offender registry check, and child abuse central registry check. The Missouri state highway patrol shall provide ongoing electronic updates to criminal history background checks of those persons previously submitted, both those who have an active certificate and those who do not have an active certificate, by the department of elementary and

- secondary education. This shall fulfill the annual check against the criminal history records in the central repository under section 43.530.
5. The school district may adopt a policy to provide for reimbursement of expenses incurred by an employee for state and federal criminal history information pursuant to section 43.530.
  6. If, as a result of the criminal history background check mandated by this section, it is determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a similar crime or offense committed in another state, the United States, or any other country, regardless of imposition of sentence, such information shall be reported to the department of elementary and secondary education.
  7. Any school official making a report to the department of elementary and secondary education in conformity with this section shall not be subject to civil liability for such action.
  8. For any teacher who is employed by a school district on a substitute or part-time basis within one year of such teacher's retirement from a Missouri school, the state of Missouri shall not require such teacher to be subject to any additional background checks prior to having contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise restricting a school district from requiring additional background checks for such teachers employed by the school district.
  9. A criminal background check and fingerprint collection conducted under subsections 1 and 2 of this section shall be valid for at least a period of one year and transferrable from one school district to another district. A school district may, in its discretion, conduct a new criminal background check and fingerprint collection under subsections 1 and 2 for a newly hired employee at the district's expense. A teacher's change in type of certification shall have no effect on the transferability or validity of such records.
  10. Nothing in this section shall be construed to alter the standards for suspension, denial, or revocation of a certificate issued pursuant to this chapter.
  11. The state board of education may promulgate rules for criminal history background checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and void.

## CHAPTER 171

### **§ 171.131, RSMo Seventh and eighth grade pupils may be sent to another district - tuition, how paid.-**

The board of education of any elementary school district may elect to maintain an elementary school in the district for grades one through six only. In that event tuition shall be paid by the sending district as provided in section 167.131, RSMo, for pupils in grades nine through twelve. Pupils in grades seven and eight shall have the option of attending any approved school in the county of residence or in an adjoining county.

## CHAPTER 178

**Sections 178.490 to 178.510, RSMo** *These statutes allow a school board of a high school district to form a contractual relation with another high school district to provide vocational education services for high school pupils not provided in the home district. State transportation aid is available if transportation is provided under the contract.*

## CHAPTER 191

### **§ 191.775, RSMo Public schools and school buses, smoking or tobacco use prohibited, penalty, permission use of tobacco, where.-**

No person shall smoke or otherwise use tobacco or tobacco products in any indoor area of a public elementary or secondary school building or educational facility, excluding institutions of higher education, or on buses used solely to transport students to or from school or to transport students to and from any place for educational purposes. Any school board of any school district may set policy on the permissible uses of tobacco products in any other nonclassroom or nonstudent occupant facility, and on the school grounds or outdoor facility areas as the school board deems proper. Any person who violates the provisions of this section shall be guilty of an infraction.

### **§ 191.777, RSMo More stringent ordinances or rules may be adopted by governing bodies or school boards.-**

Nothing in sections 191.775 and 191.776, RSMo shall prohibit local political subdivisions or local boards of education from enacting more stringent ordinances or rules.

## CHAPTER 210

### **§ 210.106, RSMo Failure to use passenger restraint system not to be basis for civil actions-evidence inadmissible.**

In no event shall failure to employ a child passenger restraint system required by section 307.179, RSMo, provide the basis for a claim of civil liability or negligence or contributory negligence of any person in any action for damages by reason of injury sustained by a child; nor shall such failure to employ such child passenger restraint system be admissible as evidence in the trial of any civil action.

## CHAPTER 301

### **§ 301.010.52, RSMo Definitions Under Registration and Licensing of Motor Vehicles.-**

52. "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes.

### **§ 301.065, RSMo Annual registration fees-school buses.-**

The annual registration fee for each school bus, twenty-five dollars, fifty cents.

### **§ 301.260.2, RSMo State and municipally owned motor vehicles-public schools and colleges courtesy or driver training vehicles-regulations.-**

2. Motor vehicles used as ambulances, patrol wagons and fire apparatus, owned by any municipality of this state, shall be exempt from all of the provisions of sections 301.010 to 301.440 while being operated within the limits of such municipality, but the municipality may regulate the speed and use of such motor vehicles owned by them; and all other motor vehicles owned by municipalities, counties and other political subdivisions of the state shall be exempt from the provisions of sections 301.010 to 301.440 requiring registration, proof of ownership and display of number plates; provided, however, that there shall be a plate, or, on each side of such motor vehicle, letters not less than three inches in height with a stroke of not less than three-eighths of an inch wide, to display the

name of such municipality, county or political subdivision, the department thereof, and a distinguishing number. Provided, further, that when any motor vehicle is owned and operated exclusively by any school district and used solely for transportation of school children, the commissioner shall assign to each of such motor vehicles two plates bearing the words "School Bus, State of Missouri, car no. ...." (with the number inserted thereon), which plates shall be displayed on such motor vehicles when they are being used on the highways. No officer, or employee of the municipality, county or subdivision, or any other person shall operate such a motor vehicle unless the same is marked as herein provided, and no officer, employee or other person shall use such a motor vehicle for other than official purposes.

## CHAPTER 302

### § 302.010, RSMo Definitions Under Drivers' and Commercial Drivers' Licenses.-

Except where otherwise provided, when used in this chapter, the following words and phrases mean:

2. "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than fifteen passengers; ...
21. "School bus", when used in sections 302.010 to 302.540, means any motor vehicle, either publicly or privately owned, used to transport students to and from school, or to transport pupils properly chaperoned to and from any place within the state for educational purposes. The term "school bus" shall not include a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interstate transportation of passengers when such bus is not traveling a specific school bus route but is:
  - a. On a regularly scheduled route for the transportation of fare-paying passengers; or
  - b. Furnishing charter service for the transportation of persons enrolled as students on field trips or other special trips or in connection with other special events;
22. "School bus operator", an operator who operates a school bus as defined in subdivision (21) of this section in the transportation of any schoolchildren and who receives compensation for such service. The term "school bus operator" shall not include any person who transports schoolchildren as an incident to employment with a school or school district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or employed by a school or school district as a school bus operator; ...

### § 302.015, RSMo License classification system, director to establish--categories.-

Notwithstanding the provisions of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), the director shall have the authority to establish a license classification system, and shall not be limited to classification of the following:

1. Any person, other than one subject to sections 302.700 to 302.780, who operates a motor vehicle in the transportation of persons or property, and who receives compensation for such services in wages, salary, commission or fare; or who as an owner or employee operates a motor vehicle carrying passengers or property for hire; or who regularly operates a commercial motor vehicle of another person in the course of or as an incident to his employment, but whose principal occupation is not the operating of such motor vehicle, except that a school bus operator who obtains a school bus permit as provided in section 302.272 shall not be considered in this class;
2. Any person, other than such person defined in subdivision (1) of this section who is in actual physical control of a motor vehicle;

3. Any person, other than such person defined in subdivisions (1) and (2) of this section who is in actual physical control of a motorcycle or motortricycle.

**§ 302.020, RSMo Operation of motor vehicle without proper license prohibited. Motorcycle-special license- protective headgear.-**

1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, RSMo to:
  - 1) Operate any vehicle upon any highway in this state unless he has a valid license; ...

**§ 302.051, RSMo Government-owned vehicles may not operate.-**

Unless required by the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570) or section 302.272, RSMo, any person holding a valid license, other than one limited to the operation of a motorcycle or motortricycle, may operate for official use any motor vehicle owned by the United States, the state of Missouri, or any municipality or political subdivision of this state.

**§ 302.060, RSMo License not to be issued to whom, exceptions.-**

1. The director shall not issue any license and shall immediately deny any driving privilege:
  - 1) To any person who is under the age of eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;
  - 2) To any person who is under the age of sixteen years, except as hereinafter provided;
  - 3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;
  - 4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;
  - 5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;
  - 6) To any person who, when required by this law to take an examination, has failed to pass such examination;
  - 7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, RSMo, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, RSMo, has been established;
  - 8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;
  - 9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court shall order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to

- 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;
- 10) To any person who has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition, or to any person who has been convicted twice within a five-year period of violating state law, county or municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense as defined in section 577.023, except that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to, or been found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court shall order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540;
  - 11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, RSMo, or section 544.046, RSMo;
  - 12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license.
2. Any person whose license is reinstated under the provisions of subdivision (9) or (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device required for reinstatement under this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have photo identification technology and global positioning system features. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director, the license shall be suspended for the remainder of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month period, the license shall be shown as reinstated, if the person is otherwise eligible.
  3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository

and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. At the time of application, the applicant shall supply to the highway patrol the court name and case number for the court where he or she has filed his or her petition for reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record. The Missouri highway patrol, upon receipt of the results of the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the provisions of section 610.120, all records related to any criminal history check shall be accessible and available to the director and the court.

**§ 302.177, RSMo Licenses, issuance and renewal, duration, fees.-**

1. To all applicants for a license or renewal to transport persons or property classified in section 302.015 who are at least twenty- one years of age and under the age of seventy, and who submit a satisfactory application and meet the requirements of sections 302.010 to 302.605, the director shall issue or renew such license; except that no license shall be issued if an applicant's license is currently suspended, canceled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's birthday in the sixth year of issuance, unless the license must be issued for a shorter period due to other requirements of law or for transition or staggering of work as determined by the director. The license must be renewed on or before the date of expiration, which date shall be shown on the license.
2. To all applicants for a license or renewal to transport persons or property classified in section 302.015 who are less than twenty-one years of age or greater than sixty-nine years of age, and who submit a satisfactory application and meet the requirements of sections 302.010 to 302.605, the director shall issue or renew such license; except that no license shall be issued if an applicant's license is currently suspended, canceled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's birthday in the third year of issuance, unless the license must be issued for a shorter period due to other requirements of law or for transition or staggering of work as determined by the director. The license must be renewed on or before the date of expiration, which date shall be shown on the license. A license issued under this section to an applicant who is over the age of sixty-nine and contains a school bus endorsement shall not be issued for a period that exceeds one year.
3. To all other applicants for a license or renewal of a license who are at least twenty-one years of age and under the age of seventy, and who submit a satisfactory application and meet the requirements of sections 302.010 to 302.605, the director shall issue or renew such license; except that no license shall be issued if an applicant's license is currently suspended, canceled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's birthday in the sixth year of issuance, unless the license must be issued for a shorter period due to other requirements of law or for transition or staggering of work as determined by the director. The license must be renewed on or before the date of expiration, which date shall be shown on the license.
4. To all other applicants for a license or renewal of a license who are less than twenty-one years of age or greater than sixty-nine years of age, and who submit a satisfactory application and meet the requirements of sections 302.010 to 302.605, the director shall issue or renew such license; except that no license shall be issued if an applicant's license is currently suspended, canceled, revoked, disqualified, or deposited in lieu of bail. Such license shall expire on the applicant's birthday in the third year of issuance, unless the license must be issued for a shorter period due to other requirements of law or for transition or staggering of work as determined by the director. The license must be renewed on or before the date of expiration, which date shall be shown on the license.
5. The fee for a license issued for a period which exceeds three years under subsection 1 of this section shall be thirty dollars.

6. The fee for a license issued for a period of three years or less under subsection 2 of this section shall be fifteen dollars, except that the fee for a license issued for one year or less which contains a school bus endorsement shall be five dollars, except renewal fees shall be waived for applicants seventy years of age or older seeking school bus endorsements.
7. The fee for a license issued for a period which exceeds three years under subsection 3 of this section shall be fifteen dollars.
8. The fee for a license issued for a period of three years or less under subsection 4 of this section shall be seven dollars and fifty cents.
9. Beginning July 1, 2005, the director shall not issue a driver's license for a period that exceeds an applicant's lawful presence in the United States. The director may establish procedures to verify the lawful presence of the applicant and establish the duration of any driver's license issued under this section.
10. The director of revenue may adopt any rules and regulations necessary to carry out the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

**§ 302.260, RSMo Unlicensed person operating motor vehicle prohibited.-**

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of sections 302.010, RSMo to 302.260, RSMo.

**§ 302.272, RSMo School bus endorsement, qualifications--grounds for refusal to issue or renew endorsement--rulemaking authority--reciprocity.-**

1. No person shall operate any school bus owned by or under contract with a public school or the state board of education unless such driver has qualified for a school bus endorsement under this section and complied with the pertinent rules and regulations of the department of revenue and any final rule issued by the secretary of the United States Department of Transportation or has a valid school bus endorsement on a valid commercial driver's license issued by another state. A school bus endorsement shall be issued to any applicant who meets the following qualifications:
  - 1) The applicant has a valid state license issued under this chapter;
  - 2) The applicant is at least twenty-one years of age; and
  - 3) The applicant has successfully passed an examination for the operation of a school bus as prescribed by the director of revenue. The examination shall include any examinations prescribed by the secretary of the United States Department of Transportation, and a driving test in the type of vehicle to be operated. The test shall be completed in the appropriate class of vehicle to be driven. For purposes of this section classes of school buses shall comply with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570). For drivers who are at least seventy years of age, such examination shall be completed annually.
2. The director of revenue, to the best of the director's knowledge, shall not issue or renew a school bus endorsement to any applicant whose driving record shows that such applicant's privilege to operate a motor vehicle has been suspended, revoked or disqualified or whose driving record shows a history of moving vehicle violations.
3. The director may adopt any rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

4. Notwithstanding the requirements of this section, an applicant who resides in another state and possesses a valid driver's license from his or her state of residence with a valid school bus endorsement for the type of vehicle being operated shall not be required to obtain a Missouri driver's license with a school bus endorsement.

**§ 302.273, RSMo Federal rule compliance for bus drivers.-**

1. Notwithstanding any provisions of section 302.272, any individual who operates a school bus as that term is defined in 49 CFR Part 383, section 383.5, shall meet the requirements for and be issued a school bus endorsement as required by the secretary pursuant to 49 CFR, part 383, section 383.123.
2. The director is authorized to promulgate any rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

**§ 302.274, RSMo Central depository system for notification of school bus driver positive drug, alcohol or chemical test.-**

The director of the department of revenue shall establish a central depository system which shall maintain and store notifications received pursuant to section 302.275 concerning certain bus drivers. The notification shall consist of the names of bus drivers reported pursuant to section 302.275 and any other information the director finds necessary to properly maintain a central depository or administer sections 302.274 to 302.276.

**§ 302.275, RSMo Employer notification to Department of Revenue of school bus driver positive drug, alcohol or chemical test.-**

Any employer of a person licensed pursuant to section 302.272, RSMo, to operate a school bus, as that term is defined in section 301.010, RSMo, shall notify the director of the department of revenue within ten days of discovering that the person has failed to pass any drug, alcohol or chemical test administered pursuant to the requirements of any federal or state law, rule or regulation regarding the operation of a school bus. The notification shall consist of the person's name and any other relevant information required by the director. The director shall determine the manner in which the notification is made. Any employer, or any officer of an employer, who knowingly fails to comply with the notification requirement of this section or who knowingly provides a false notification shall be guilty of an infraction.

**§ 302.276, RSMo Suspension of school bus operator's permit for failing a drug, alcohol or chemical test.-**

If the director of the department of revenue receives notification of a failed drug, alcohol or chemical test pursuant to section 302.275 and the director makes a determination that such test was failed, then the director shall suspend the school bus permit, issued pursuant to section 302.272 of such person for a period of one year from the date the determination is made. Any person who operates a school bus, as defined in section 301.010, RSMo, after having the person's permit suspended pursuant to this section shall be punished in accordance with section 302.321.

**§ 302.700, RSMo Citation of law--definitions.-**

1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial Driver's License Act".
2. When used in sections 302.700 to 302.780, the following words and phrases mean: ...
  - 40) "School bus", a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier as defined by the Secretary;
  - 41) "Secretary", the Secretary of Transportation of the United States;
  - 42) "Serious traffic violation", driving a commercial motor vehicle in such a manner that the driver receives a conviction for the following offenses or driving a noncommercial motor vehicle when the driver receives a conviction for the following offenses and the conviction results in the suspension or revocation of the driver's license or noncommercial motor vehicle driving privilege:
    - (a) Excessive speeding, as defined by the Secretary by regulation;
    - (b) Careless, reckless or imprudent driving which includes, but shall not be limited to, any violation of section 304.016, any violation of section 304.010, or any other violation of federal or state law, or any county or municipal ordinance while driving a commercial motor vehicle in a willful or wanton disregard for the safety of persons or property, or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include careless and imprudent driving by excessive speed;
    - (c) A violation of any federal or state law or county or municipal ordinance regulating the operation of motor vehicles arising out of an accident or collision which resulted in death to any person, other than a parking violation;
    - (d) Driving a commercial motor vehicle without obtaining a commercial driver's license in violation of any federal or state or county or municipal ordinance;
    - (e) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession in violation of any federal or state or county or municipal ordinance. Any individual who provides proof to the court which has jurisdiction over the issued citation that the individual held a valid commercial driver's license on the date that the citation was issued shall not be guilty of this offense;
    - (f) Driving a commercial motor vehicle without the proper commercial driver's license class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported in violation of any federal or state law or county or municipal ordinance;
    - (g) Violating a state or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a commercial motor vehicle;
    - (h) Violating a state or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a commercial motor vehicle; or
    - (i) Any other violation of a federal or state law or county or municipal ordinance regulating the operation of motor vehicles, other than a parking violation, as prescribed by the Secretary by regulation;
  - 43) "State", a state of the United States, including the District of Columbia;
  - 44) "Tank vehicle", any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand gallons or more, that is temporarily attached to a flatbed trailer is not considered a tank vehicle;
  - 45) "Texting", manually entering alphanumeric text into, or reading text from, an electronic device. This action includes but is not limited to short message service, emailing,

instant messaging, commanding or requesting access to a website, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication. Texting does not include:

- (a) Inputting, selecting, or reading information on a global positioning system or navigation system;
  - (b) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or
  - (c) Using a device capable of performing multiple functions (e.g., fleet management systems, dispatching devices, smart phones, citizens band radios, music players) for a purpose that is not otherwise prohibited in this part;
- 46) "United States", the fifty states and the District of Columbia.

**§ 302.720, RSMo Operation without license prohibited, exceptions--instruction permit, use, duration, fee--license, test required, contents, fee--director to promulgate rules and regulations for certification of third-party testers--certain persons prohibited from obtaining license, exceptions.**

1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. No person may be issued a commercial driver's instruction permit until he or she has passed written tests which comply with the minimum federal standards. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of not more than six months, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.

- 1) No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the Secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. All applicants for a commercial driver's license shall have maintained the appropriate class of commercial driver's instruction permit issued by this state or any other state for a minimum of fourteen calendar days prior to the date of taking the skills test. Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.
- 2) The written and driving tests shall be held at such times and in such places as the superintendent may designate. A twenty-five dollar examination fee shall be paid by

the applicant upon completion of any written or driving test, except the examination fee shall be waived for applicants seventy years of age or older renewing a license with a school bus endorsement. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations. The written test shall only be administered in the English language. No translators shall be allowed for applicants taking the test.

- 3) Beginning August 28, 2006, the director shall only issue or renew third-party tester certification to community colleges established under chapter 178 or to private companies who own, lease, or maintain their own fleet and administer in-house testing to their employees, or to school districts and their agents that administer in-house testing to the school district's or agent's employees. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536. If any applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.
- 4) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the Secretary and if such person transports a hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Such person shall be required to take the written test for such endorsement. A twenty-five dollar examination fee shall be paid upon completion of such tests.
- 5) The director shall have the authority to waive the driving skills test for any qualified military applicant for a commercial driver's license who is currently licensed at the time of application for a commercial driver's license. The director shall impose conditions and limitations to restrict the applicants from whom the department may accept alternative requirements for the skills test described in federal regulation 49 CFR 383.77. An applicant must certify that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:
  - (a) The applicant has not had more than one license;
  - (b) The applicant has not had any license suspended, revoked, or cancelled;
  - (c) The applicant has not had any convictions for any type of motor vehicle for the disqualifying offenses contained in this chapter or federal rule 49 C.F.R. 383.51(b);
  - (d) The applicant has not had more than one conviction for any type of motor vehicle for serious traffic violations;
  - (e) The applicant has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, but not including any parking violation, arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault;
  - (f) The applicant has been regularly employed within the last ninety days in a military position requiring operation of a commercial motor vehicle and has operated the vehicle for at least sixty days during the two years immediately preceding application for a commercial driver's license. The vehicle must be representative of the commercial motor vehicle the driver applicant operates or expects to operate;
  - (g) The applicant, if on active duty, must provide a notarized affidavit signed by a commanding officer as proof of driving experience as indicated in paragraph (f) of this subdivision;
  - (h) The applicant, if honorably discharged from military service, must provide a form-DD214 or other proof of military occupational specialty;

- (i) The applicant must meet all federal and state qualifications to operate a commercial vehicle; and
  - (j) The applicant will be required to complete all applicable knowledge tests.
3. A commercial driver's license may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or canceled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation.
  4. Beginning July 1, 2005, the director shall not issue an instruction permit under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.
  5. Notwithstanding the provisions of this section or any other law to the contrary, beginning August 28, 2008, the director of the department of revenue shall certify as a third-party tester any municipality that owns, leases, or maintains its own fleet that requires certain employees as a condition of employment to hold a valid commercial driver's license; and that administered in-house testing to such employees prior to August 28, 2006.

**§ 302.735, RSMo Application for commercial license, contents, expiration, duration, fees--new resident, application dates--falsification of information, ineligibility for license, when--nonresident commercial license issued, when.-**

1. An application shall not be taken from a nonresident after September 30, 2005. The application for a commercial driver's license shall include, but not be limited to, the applicant's legal name, mailing and residence address, if different, a physical description of the person, including sex, height, weight and eye color, the person's Social Security number, date of birth and any other information deemed appropriate by the director. The application shall also require, beginning September 30, 2005, the applicant to provide the names of all states where the applicant has been previously licensed to drive any type of motor vehicle during the preceding ten years.
2. A commercial driver's license shall expire on the applicant's birthday in the sixth year after issuance, unless the license must be issued for a shorter period due to other requirements of law or for transition or staggering of work as determined by the director, and must be renewed on or before the date of expiration. When a person changes such person's name an application for a duplicate license shall be made to the director of revenue. When a person changes such person's mailing address or residence the applicant shall notify the director of revenue of said change, however, no application for a duplicate license is required. A commercial license issued pursuant to this section to an applicant less than twenty-one years of age and seventy years of age and older shall expire on the applicant's birthday in the third year after issuance, unless the license must be issued for a shorter period as determined by the director.
3. A commercial driver's license containing a hazardous materials endorsement issued to an applicant who is between the age of twenty-one and sixty-nine shall not be issued for a period exceeding five years from the approval date of the security threat assessment as determined by the Transportation Security Administration.
4. The director shall issue an annual commercial driver's license containing a school bus endorsement to an applicant who is seventy years of age or older. The fee for such license shall be seven dollars and fifty cents.
5. A commercial driver's license containing a hazardous materials endorsement issued to an applicant who is seventy years of age or older shall not be issued for a period exceeding three years. The director shall not require such drivers to obtain a security threat assessment more frequently than such assessment is required by the Transportation Security Administration under the Uniting and Strengthening America by Providing

Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001.

- 1) The state shall immediately revoke a hazardous materials endorsement upon receipt of an initial determination of threat assessment and immediate revocation from the Transportation Security Administration as defined by 49 CFR 1572.13(a).
- 2) The state shall revoke or deny a hazardous materials endorsement within fifteen days of receipt of a final determination of threat assessment from the Transportation Security Administration as required by CFR 1572.13(a).
6. The fee for a commercial driver's license or renewal commercial driver's license issued for a period greater than three years shall be forty dollars.
7. The fee for a commercial driver's license or renewal commercial driver's license issued for a period of three years or less shall be twenty dollars.
8. The fee for a duplicate commercial driver's license shall be twenty dollars.
9. In order for the director to properly transition driver's license requirements under the Motor Carrier Safety Improvement Act of 1999 and the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, the director is authorized to stagger expiration dates and make adjustments for any fees, including driver examination fees that are incurred by the driver as a result of the initial issuance of a transitional license required to comply with such acts.
10. Within thirty days after moving to this state, the holder of a commercial driver's license shall apply for a commercial driver's license in this state. The applicant shall meet all other requirements of sections 302.700 to 302.780, except that the director may waive the driving test for a commercial driver's license as required in section 302.720 if the applicant for a commercial driver's license has a valid commercial driver's license from a state which has requirements for issuance of such license comparable to those in this state.
11. Any person who falsifies any information in an application or test for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be canceled, for a period of one year after the director discovers such falsification.
12. Beginning July 1, 2005, the director shall not issue a commercial driver's license under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. If lawful presence is granted for a temporary period, no commercial driver's license shall be issued. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant and establish the duration of any commercial driver's license issued under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo. ...

## CHAPTER 304

### **§ 304.022.5.1, RSMo Emergency vehicle defined--use of lights and sirens--right-of-way--stationary vehicles, procedure--penalty.**

5. 1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.
- 2) The driver of an emergency vehicle may:
  - (a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;
  - (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
  - (c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

- (d) Disregard regulations governing direction of movement or turning in specified directions.

**§ 304.030, RSMo Certain buses and trucks to stop at railroad crossing, when.-**

Every motor vehicle transporting passengers, for hire, every school bus . . . whether loaded or empty, shall, upon approaching any railroad grade crossing, other than a crossing that is specifically exempted from the stopping requirement by order of the division of motor carrier and railroad safety of the department of economic development, be brought to a full stop within fifty feet, but not less than fifteen feet, from the nearest rail of such railroad grade crossing, and shall not proceed until due caution has been taken to ascertain that the course is clear, except that such full stop shall not be required at a streetcar crossing within a business or residence district, nor at a railroad grade crossing protected by a watchman or traffic officer on duty or by a traffic control signal (not railroad flashing signal) giving positive indication to approaching vehicles to proceed, nor when the division of motor carrier and railroad safety has ordered the placement of an exempt sign at the crossing.

**§ 304.040, RSMo Failure to stop, penalty.-**

Any person violating the provisions of section 304.030 shall be deemed guilty of a misdemeanor.

**§ 304.044, RSMo Buses and trucks not to follow within 300 feet- penalty.-**

1. The following terms as used in this section shall mean:
  - 1) "Bus", any vehicle or motor car designed and used for the purpose of carrying more than seven persons;
  - 2) "Truck", any vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed or used in the transportation of property upon the highways.
2. The driver of any truck or bus, when traveling upon a public highway of this state outside of a business or residential district, shall not follow within three hundred feet of another such vehicle; provided, the provisions of this section shall not be construed to prevent the overtaking and passing, by any such truck or bus, of another similar vehicle.
3. Any person who shall violate the provisions of this section shall be deemed guilty of a class C misdemeanor, and upon conviction thereof shall be punished accordingly.

**§ 304.050, RSMo School buses, drivers to stop for, when-signs required on buses-bus driver responsibilities-driver identity rebuttable presumption, when.-**

1. The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop, shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by its driver to proceed.
2. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than eight inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "State Law: Stop while bus is loading and unloading". Each school bus subject to the provisions of sections 304.050 to 304.070 shall be equipped with a mechanical and electrical signaling device approved by the state board of education, which will display a signal plainly visible from the front and rear and indicating intention to stop.
3. Every school bus operated to transport students in the public school system which has a gross vehicle weight rating of more than ten thousand pounds, which has the engine mounted entirely in front of the windshield and the entrance door behind the front wheels,

and which is used for the transportation of school children shall be equipped no later than August 1, 1998, with a crossing control arm. The crossing control arm, when activated, shall extend a minimum of five feet six inches from the face of the front bumper. The crossing control arm shall be attached on the right side of the front bumper and shall be activated by the same controls which activate the mechanical and electrical signaling devices described in subsection 2 of this section. This subsection may be cited as "Jessica's Law" in commemoration of Jessica Leicht and all other Missouri school children who have been injured or killed during the operation of a school bus.

4. Except as otherwise provided in this section, the driver of a school bus in the process of loading or unloading students upon a street or highway shall activate the mechanical and electrical signaling devices, in the manner prescribed by the state board of education, to communicate to drivers of other vehicles that students are loading or unloading. A public school district shall have the authority pursuant to this section to adopt a policy which provides that the driver of a school bus in the process of loading or unloading students upon a divided highway of four or more lanes may pull off of the main roadway and load or unload students without activating the mechanical and electrical signaling devices in a manner which gives the signal for other drivers to stop and may use the amber signaling devices to alert motorists that the school bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes and also provided that the emergency flashing signal lights are activated in a manner which indicates that drivers should proceed with caution, and in such case, the driver of a vehicle may proceed past the school bus with due caution. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two lanes of traffic; nor shall any passengers be taken on or discharged while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least five hundred feet in each direction to drivers of other vehicles in the case of a highway with no shoulder and a speed limit greater than sixty miles per hour and at least three hundred feet in each direction to drivers of other vehicles upon other highways, and on all highways, only for such time as is actually necessary to take on and discharge passengers.
5. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, or which is proceeding in the opposite direction on a highway containing four or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway.
6. The driver of any school bus driving upon the highways of this state after loading or unloading school children, shall remain stopped if the bus is followed by three or more vehicles, until such vehicles have been permitted to pass the school bus, if the conditions prevailing make it safe to do so.
7. If any vehicle is witnessed by a peace officer or the driver of a school bus to have violated the provisions of this section and the identity of the operator is not otherwise apparent, it shall be a rebuttable presumption that the person in whose name such vehicle is registered committed the violation. In the event that charges are filed against multiple owners of a motor vehicle, only one of the owners may be convicted and court costs may be assessed against only one of the owners. If the vehicle which is involved in the violation is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time of the violation, the rental or leasing company may rebut the presumption by providing the peace officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time of the violation. No prosecuting authority may bring any legal proceedings against a rental or leasing company under this section unless prior written notice of the violation has been given to that rental or leasing company by registered mail at the address appearing on the registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen days of receipt of such notice.

8. Notwithstanding the provisions in section 301.130, RSMo, every school bus shall be required to have two license plates.

**§ 304.060, RSMo School buses and other district vehicles, use to be regulated by board-field trips in common carriers regulation authorized-violation by employee, effect-design of school buses, regulated by board-St. Louis County buses may use word "special".-**

1. The state board of education shall adopt and enforce regulations not inconsistent with law to cover the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. The state board of education may adopt rules and regulations governing the use of other vehicles owned by a district or operated under contract with any school district in this state and used for the purpose of transporting school children. The operator of such vehicle shall be licensed in accordance with section 302.272, RSMo, and such vehicle shall transport no more children than the manufacturer suggests as appropriate for such vehicle. The state board of education may also adopt rules and regulations governing the use of authorized common carriers for the transportation of students on field trips or other special trips for educational purposes. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations. The state board of education shall cooperate with the state highways and transportation department and the state highway patrol in placing suitable warning signs at intervals on the highways of the state.
2. Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with such regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such school district.
3. Any other provision of the law to the contrary notwithstanding, in any county of the first class with a charter form of government adjoining a city not within a county school buses may bear the word "special".

**§ 304.070, RSMo Violation of section 304.050, penalty.-**

1. Any person who violates any of the provisions of subsections 1, 3, and 6 of section 304.050 is guilty of a class A misdemeanor. In addition, beginning July 1, 2005, the court may suspend the driver's license of any person who violates the provision of subsection 1 of section 304.050. If ordered by the court, the director shall suspend the driver's license for ninety days for a first offense of subsection 1 of section 304.050, and one hundred twenty days for a second or subsequent offense of subsection 1 of section 304.050. Any person who violates subsection 1 of section 304.050 where such violation results in the injury of any child shall be guilty of a class D felony. Any person who violates subsection 1 of section 304.050 where such violation causes the death of any child shall be guilty of a class C felony.
2. Any appeal of a suspension imposed under subsection 1 of this section shall be a direct appeal of the court order and subject to review by the presiding judge of the circuit court or another judge within the circuit other than the judge who issued the original order to suspend the driver's license. The director of revenue's entry of the court-ordered suspension on the driving record is not a decision subject to review pursuant to section 302.311, RSMo. Any suspension of the driver's license ordered by the court under this section shall be in addition to any other suspension that may occur as a result of the conviction pursuant to other provisions of law.

**§ 304.075, RSMo School bus signs to be removed, when-misdemeanor.-**

1. Any motor vehicle which is not regularly being operated by a school district or under contract with a school district or by private schools for the transportation of school children shall not bear signs indicating that it is a school bus. When any person operating a school bus under contract with a school district uses it for purposes other than for the transportation of school children, the person shall cover the signs thereon in such manner that it will not appear on the highways as a school bus.
2. Any person violating this section is guilty of a class C misdemeanor.

**§ 304.820, RSMo Text messaging and using a hand-held mobile device while operating a motor vehicle prohibited, when--exceptions--definitions--violation, penalty.**

1. Except as otherwise provided in this section, no person twenty-one years of age or younger operating a moving motor vehicle upon the highways of this state shall, by means of a hand-held electronic wireless communications device, send, read, or write a text message or electronic message.
2. Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a hand-held mobile telephone.
3. Except as otherwise provided in this section, no person shall operate a commercial motor vehicle while using a wireless communications device to send, read, or write a text message or electronic message.
4. The provisions of subsection 1 through subsection 3 of this section shall not apply to a person operating:
  - 1) An authorized emergency vehicle; or
  - 2) A moving motor vehicle while using a hand-held electronic wireless communications device to:
    - (a) Report illegal activity;
    - (b) Summon medical or other emergency help;
    - (c) Prevent injury to a person or property; or
    - (d) Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.
5. Nothing in this section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless communications device, while operating a noncommercial motor vehicle upon the highways of this state.
6. As used in this section, "electronic message" means a self-contained piece of digital communication that is designed or intended to be transmitted between hand-held electronic wireless communication devices. "Electronic message" includes, but is not limited to, electronic mail, a text message, an instant message, or a command or request to access an internet site.
7. As used in this section, "hand-held electronic wireless communications device" includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.
8. As used in this section, "making or taking part in a telephone call" means listening to or engaging in verbal communication through a hand-held electronic wireless communication device.
9. As used in this section, "send, read, or write a text message or electronic message" means using a hand-held electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading, or writing a text message or electronic message does not include reading, selecting, or entering a phone number or name into a hand-held electronic wireless communications device for the purpose of making a telephone call.
10. A violation of this section shall be deemed an infraction and shall be deemed a moving

- violation for purposes of point assessment under section 302.302.
11. The state preempts the field of regulating the use of hand-held electronic wireless communications devices in motor vehicles, and the provisions of this section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the use of hand-held electronic wireless communication devices by the operator of a motor vehicle.
  12. The provisions of this section shall not apply to:
    - 1) The operator of a vehicle that is lawfully parked or stopped;
    - 2) Any of the following while in the performance of their official duties: a law enforcement officer; a member of a fire department; or the operator of a public or private ambulance;
    - 3) The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;
    - 4) The use of voice-operated technology;
    - 5) The use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service.

## **CHAPTER 307**

### **§ 307.100, RSMo Limitations on lamps other than headlamps--flashing signals prohibited except on specified vehicles--penalty.-**

1. Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spotlamps, front direction signals or auxiliary lamps which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle. Alternately flashing warning signals may be used on school buses when used for school purposes and on motor vehicles when used to transport United States mail from post offices to boxes of addressees thereof and on emergency vehicles as defined in section 304.022, RSMo, on buses owned or operated by churches, mosques, synagogues, temples or other houses of worship, and on commercial passenger transport vehicles or railroad passenger cars that are stopped to load or unload passengers, but are prohibited on other motor vehicles, motorcycles and motor-drawn vehicles except as a means for indicating a right or left turn.
2. Notwithstanding the provisions of section 307.120, violation of this section is an infraction.

### **§ 307.140, RSMo Safety glass on vehicles for hire and school buses.-**

It shall be unlawful after January 1, 1936, to operate on any public highway or street, in this state, a motor vehicle registered in the state of Missouri, manufactured or assembled after said date, designed or used for the purpose of carrying passengers for hire, or designed or used for the purpose of carrying school children, unless such vehicle be equipped in all doors, windows and windshields with safety glass.

### **§ 307.178, RSMo Seat belts required for passenger cars--passenger cars defined--exceptions--failure to comply, effect on evidence and damages--penalty--passengers in car exceeding number of seat belts not violation for failure to use.**

1. As used in this section, the term "passenger car" means every motor vehicle designed for carrying ten persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles, and trucks with a licensed gross weight of twelve thousand pounds or more.
2. Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal

boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this state, and persons less than eighteen years of age operating or riding in a truck, as defined in section 301.010, RSMo, on a street or highway of this state shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements. No person shall be stopped, inspected, or detained solely to determine compliance with this subsection. The provisions of this section and section 307.179 shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Noncompliance with this subsection shall not constitute probable cause for violation of any other provision of law. The provisions of this subsection shall not apply to the transporting of children under sixteen years of age, as provided in section 307.179.

3. Each driver of a motor vehicle transporting a child less than sixteen years of age shall secure the child in a properly adjusted and fastened restraint under section 307.179.
4. In any action to recover damages arising out of the ownership, common maintenance or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not be considered evidence of comparative negligence. Failure to wear a safety belt in violation of this section may be admitted to mitigate damages, but only under the following circumstances:
  - 1) Parties seeking to introduce evidence of the failure to wear a safety belt in violation of this section must first introduce expert evidence proving that a failure to wear a safety belt contributed to the injuries claimed by plaintiff;
  - 2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt in violation of this section contributed to the plaintiff's claimed injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed one percent of the damages awarded after any reductions for comparative negligence.
5. Except as otherwise provided for in section 307.179, each person who violates the provisions of subsection 2 of this section is guilty of an infraction for which a fine not to exceed ten dollars may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this section. In no case shall points be assessed against any person, pursuant to section 302.302, RSMo, for a violation of this section.
6. The state highways and transportation commission shall initiate and develop a program of public information to develop understanding of, and ensure compliance with, the provisions of this section. The commission shall evaluate the effectiveness of this section and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.
7. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. The passenger or passengers occupying a seat location referred to in this subsection is not in violation of this section. This subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed under section 302.178, RSMo.

**§ 307.179, RSMo Definitions--transporting children under sixteen years of age, restraint systems--penalty--exceptions--program of public information.**

1. As used in this section, the following terms shall mean:
  - 1) "Child booster seat", a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system;

- 2) "Child passenger restraint system", a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system;
- 3) "Driver", a person who is in actual physical control of a motor vehicle.
2. Every driver transporting a child under the age of sixteen years shall be responsible, when transporting such child in a motor vehicle operated by that driver on the streets or highways of this state, for providing for the protection of such child as follows:
  - 1) Children less than four years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child;
  - 2) Children weighing less than forty pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child;
  - 3) Children at least four years of age but less than eight years of age, who also weigh at least forty pounds but less than eighty pounds, and who are also less than four feet, nine inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child;
  - 4) Children at least eighty pounds or children more than four feet, nine inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child;
  - 5) A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation;
  - 6) When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this subsection is not in violation of this section.

This subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than sixteen years of age being transported in a motor vehicle.

3. Any driver who violates subdivision (1), (2), or (3) of subsection 2 of this section is guilty of an infraction and, upon conviction, may be punished by a fine of not more than fifty dollars and court costs. Any driver who violates subdivision (4) of subsection 2 of this section shall be subject to the penalty in subsection 5 of section 307.178. If a driver receives a citation for violating subdivision (1), (2), or (3) of subsection 2 of this section, the charges shall be dismissed or withdrawn if the driver prior to or at his or her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the court or the party responsible for prosecuting the driver's citation.
4. The provisions of this section shall not apply to any public carrier for hire. The provisions of this section shall not apply to students four years of age or older who are passengers on a school bus designed for carrying eleven passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school buses are defined in section 301.010, RSMo.
5. The highways and transportation commission shall initiate and develop a program of public information to develop understanding of, and ensure compliance with, the provisions of this section.

**§ 307.375, RSMo Inspection of school buses-items covered-violations, when corrected, notice to patrol-spot checks authorized.-**

1. The owner of every bus used to transport children to or from school in addition to any other inspection required by law shall submit the vehicle to an official inspection station, and obtain a certificate of inspection, sticker, seal or other device annually, but the inspection of the vehicle shall not be made more than sixty days prior to operating the

vehicle during the school year. The inspection shall, in addition to the inspection of the mechanism and equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390, include an inspection to ascertain that the following items are correctly fitted, adjusted, and in good working condition:

- 1) All mirrors, including crossview, inside, and outside;
  - 2) The front and rear warning flashers;
  - 3) The stop signal arm;
  - 4) The crossing control arm on public school buses required to have them pursuant to section 304.050, RSMo;
  - 5) The rear bumper to determine that it is flush with the bus so that hitching of rides cannot occur;
  - 6) The exhaust tailpipe shall be flush with or may extend not more than two inches beyond the perimeter of the body or bumper;
  - 7) The emergency doors and exits to determine them to be unlocked and easily opened as required;
  - 8) The lettering and signing on the front, side and rear of the bus;
  - 9) The service door;
  - 10) The step treads;
  - 11) The aisle mats or aisle runners;
  - 12) The emergency equipment which shall include as a minimum, a first aid kit, flares or fuses, and a fire extinguisher;
  - 13) The seats, including a determination that they are securely fastened to the floor;
  - 14) The emergency door buzzer;
  - 15) All hand hold grips;
  - 16) The interior glazing of the bus.
2. In addition to the inspection required by subsection 1 of this section, the Missouri state highway patrol shall conduct an inspection after February first of each school year of all vehicles required to be marked as school buses under section 304.050, RSMo. This inspection shall be conducted by the Missouri highway patrol in cooperation with the department of elementary and secondary education and shall include, as a minimum, items in subsection 1 of this section and the following:
    - 1) The driver seat belts;
    - 2) The heating and defrosting systems;
    - 3) The reflectors;
    - 4) The bus steps;
    - 5) The aisles;
    - 6) The frame.
  3. If, upon inspection, conditions which violate the standards in subsection 2 of this section are found, the owner or operator shall have them corrected in ten days and notify the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus shall not be used until corrections are made and the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent are notified.
  4. The Missouri highway patrol may inspect any school bus at any time and if such inspection reveals a deficiency affecting the safe operation of the bus, the provisions of subsection 3 of this section shall be applicable.
  5. Notwithstanding the provisions of section 307.390 to the contrary, a violation of this section shall be a class C misdemeanor.

## CHAPTER 390

### § 390.020.26, RSMo Definitions Under Motor Carriers and Express Companies.-

26. "School bus", any motor vehicle while being used solely to transport students to or from school or to transport students to or from any place for educational purposes or school purposes.

## CHAPTER 414

### § 414.433, RSMo Purchase of biodiesel fuel by school districts--contracts with new generation cooperatives--definitions--rulemaking authority.-

1. As used in this section, the following terms mean:
  - 1) "B-20", a blend of two fuels of twenty percent by volume biodiesel and eighty percent by volume petroleum-based diesel fuel;
  - 2) "Biodiesel", as defined in ASTM Standard PS121 or its subsequent standard specification for biodiesel fuel (B 100) blend stock for distillate fuels;
  - 3) "Eligible new generation cooperative", a nonprofit farmer-owned cooperative association formed pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose of operating a development facility or a renewable fuel production facility, as defined in section 348.430, RSMo.
2. Beginning with the 2002-03 school year and lasting through the 2011-12 school year, any school district may contract with an eligible new generation cooperative to purchase biodiesel fuel for its buses of a minimum of B-20 under conditions set out in subsection 3 of this section.
3. Every school district that contracts with an eligible new generation cooperative for biodiesel pursuant to subsection 2 of this section shall receive an additional payment through its state transportation aid payment pursuant to section 163.161, RSMo, so that the net price to the contracting district for biodiesel will not exceed the rack price of regular diesel. If there is no incremental cost difference between biodiesel above the rack price of regular diesel, then the state school aid program will not make payment for biodiesel purchased during the period where no incremental cost exists. The payment shall be made based on the incremental cost difference incrementally up to seven-tenths percent of the entitlement authorized by section 163.161, RSMo, for the 1998-99 school year. The payment amount may be increased by four percent each year during the life of the program. No payment shall be authorized pursuant to this subsection or contract required pursuant to subsection 2 of this section if moneys are not appropriated by the general assembly.
4. The department of elementary and secondary education shall promulgate such rules as are necessary to implement this section, including but not limited to a method of calculating the reimbursement of the contracting school districts and waiver procedures if the amount appropriated does not cover the additional costs for the use of biodiesel. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

## CHAPTER 432

### § 432.070, RSMo Contracts, execution of by counties, towns--form of contract.-

No county, city, town, village, school township, school district or other municipal corporation shall make any contract, unless the same shall be within the scope of its powers or be expressly authorized by law, nor unless such contract be made upon a consideration wholly to be performed or executed subsequent to the making of the contract; and such contract, including the consideration, shall be in writing and dated when made, and shall be subscribed by the parties thereto, or their agents authorized by law and duly appointed and authorized in writing.

## CHAPTER 537

### § 537.610, RSMo Liability insurance for tort claims may be purchased, by whom-limitations on waiver of immunity-appointment of settlements.-

1. ...the governing body of each political subdivision of this state, notwithstanding any other provision of law, may purchase liability insurance for tort claims, made against the state or the political subdivision, but the maximum amount of such coverage shall not exceed two million dollars for all claims arising out of a single occurrence and shall not exceed three hundred thousand dollars for any one person in a single accident or occurrence, except for those claims governed by the provisions of the Missouri workers' compensation law, chapter 287, RSMo, and no amount in excess of the above limits shall be awarded or settled upon. Sovereign immunity for ...political subdivisions is waived only to the maximum amount of and only for the purposes covered by such policy of insurance purchased pursuant to the provisions of this section and in such amount and for such purposes provided in any self-insurance plan duly adopted by the governing body of any political subdivision of the state.
2. The liability of the state and its public entities on claims within the scope of sections 537.600 to 537.650, shall not exceed two million dollars for all claims arising out of a single accident or occurrence and shall not exceed three hundred thousand dollars for any one person in a single accident or occurrence, except for those claims governed by the provisions of the Missouri workers' compensation law, chapter 287, RSMo.
3. No award for damages on any claim against a public entity within the scope of sections 537.600 to 537.650, shall include punitive or exemplary damages.
4. If the amount awarded to or settled upon multiple claimants exceeds two million dollars, any party may apply to any circuit court to apportion to each claimant his proper share of the total amount limited by subsection 1 of this section. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to him bears to the aggregate awards and settlements for all claims arising out of the accident or occurrence, but the share shall not exceed three hundred thousand dollars.
5. The limitation on awards for liability provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo. **(Note: The January 1, 2013, limits are \$2,657,587 and \$398,639.)**
6. Any claim filed against any public entity under this section shall be subject to the penalties provided by supreme court rule 55.03, or any successor rule.

## CHAPTER 569

### § 569.155, RSMo Trespass of a school bus.-

1. A person commits the crime of trespass of a school bus if he knowingly and unlawfully enters any part of or unlawfully operates any school bus.
2. Trespass of a school bus is a class A misdemeanor.
3. For the purposes of this section, the terms “unlawfully enters” and “unlawfully operates” refer to any entry or operation of a school bus which is not:
  - 1) Approved of and established in a school district’s written policy on access to school buses; or
  - 2) Authorized by specific written approval of the school board.
4. In order to preserve the public order, any district which adopts the policies described in subsection 3 of this section shall establish and enforce a student behavior policy for students on school buses.

## CHAPTER 574

### § 574.085, RSMo Institutional vandalism-school buses.-

1. A person commits the crime of institutional vandalism by knowingly vandalizing, defacing or otherwise damaging:
  - 1) Any church, synagogue or other building, structure or place used for religious worship or other religious purpose;
  - 2) Any cemetery, mortuary, military monument or other facility used for the purpose of burial or memorializing the dead;
  - 3) Any school, educational facility, community center, hospital or medical clinic owned and operated by a religious or sectarian group;
  - 4) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in subdivision (1), (2), or (3) of this subsection; or
  - 5) Any personal property contained in any institution, facility, building, structure or place described in subdivision (1), (2), (3) of this subsection.
  - 6) Any motor vehicle which is owned, operated, leased or under contract by a school district or a private school for the transportation of school children.
2. Institutional vandalism is punishable as follows:
  - 1) Institutional vandalism is a class A misdemeanor, except as provided in subdivisions (2) and (3) of this subsection;
  - 2) Institutional vandalism is a class D felony if the offender commits any act described in subsection 1 of this section which causes damage to, or loss of, the property of another in an amount in excess of one thousand dollars;
  - 3) Institutional vandalism is a class C felony if the offender commits any act described in subsection 1 of this section which causes damage to, or loss of, the property of another in an amount in excess of five thousand dollars.
3. In determining the amount of damage to property or loss of property, for purposes of this section, damage includes the cost of repair or, where necessary, replacement of the property that was damaged or lost.

## SECTION 4-CODE OF STATE REGULATIONS EXCERPTS

The State Board of Education and the Department of Economic Development have adopted the following rules under the authority of Chapters 304 and 390 of the Missouri statutes, and the Secretary of State has published them in the Missouri Register and in the Code of State Regulations.

### TITLE 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION DIVISION 30—DIVISION OF SCHOOL SERVICES CHAPTER 261—PUPIL TRANSPORTATION

#### 5 CSR 30-261.010 Requirements for the Operation of School Buses

**PURPOSE:** *The State Board of Education has the authority to adopt and enforce regulations for the operation of all school buses used for the transportation of schoolchildren when owned and operated by any school district or privately-owned and operated under contract with any school district in this state. This rule establishes guidelines for the safe, efficient and economical operation of school buses.*

1. General Requirements for Approval of School Bus Transportation.
  - A) All transportation of pupils furnished by a school district shall be authorized in accordance with the law.
  - B) School bus routes over which school buses travel shall be approved by public school district board of education action no later than the end of October for its initial approval and no later than the end of June for the final approval of modifications made during the school year.
  - C) All vehicles used for transporting pupils shall carry liability and property damage insurance.
  - D) There shall be on file in the appropriate school district office copies of current contracts, bonds, driver's physical examination certificates, school bus permits and maps of school bus routes. Public school district boards of education shall require operators of school buses to conduct and prepare a record of the daily pretrip inspection for each school bus.
  - E) Public school district boards of education shall provide for proper accounting of pupil transportation data and shall prepare and submit to the State Board of Education (board) necessary reports for apportioning state transportation aid and for statistical purposes.
    1. A listing shall be made of pupils regularly transported on each board of education's approved routes on the second Wednesday of the month for the months of October and February.
    2. The school district listing of pupils regularly transported by route must be signed and maintained by the superintendent of the schools or an appointed designee.
  - F) No school district shall receive state transportation aid for any pupil transported in a vehicle or over a school bus route which has not been approved by the public school district board of education or for any pupil transported in a vehicle whose driver does not meet the school bus driver qualifications as stated in section (2) of this rule.
  - G) If a lock is to be placed on an emergency exit of a school bus, it shall be designed in a manner so that the engine cannot be started with the emergency exit locked.
  - H) Public school district boards of education shall forbid drivers to pull any type of trailer behind a school bus.
  - I) Only those signs and lettering allowed by law or rule shall be written on or attached to a school bus, except for safety-related signs or lettering which, if used, shall be placed on the rear of the bus, in no way obstructing the driver's view. An exception to the requirement of this subsection concerning rules may be granted by the Department of Elementary and Secondary Education.

- J) Emergency evacuation drills on school buses shall be required for all students in grades kindergarten through six (K-6) at least once per semester. The first drill must be completed annually prior to October 31. The public school district board of education shall prescribe emergency evacuation drill requirements for all other students.
  - K) Boards of education shall require operators of school buses to conduct and prepare a record of the daily pretrip inspection for each school district.
2. School Bus Driver Qualifications.
- A) All school bus drivers shall be duly licensed in accordance with Missouri statutes and public school district board policy.
    - 1. Be in good physical and mental health;
    - 2. Undergo a physical examination annually no more than ninety (90) days before the beginning of the school year by a medical examiner who is licensed, certified, and/or registered, in accordance with applicable Missouri laws and regulations, to perform physical examinations to determine whether they meet the requirements of section 302.272, RSMo, and present a signed physical examination certificate that they, in the medical examiner's judgment, meet or exceed those requirements to the employer. The term medical examiner includes, but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic. A school bus driver whose ability to safely operate a school bus has been impaired by a physical or mental injury or disease, as determined by the public school district board of education, must submit a release by the attending physician prior to resuming school bus operation; and
    - 3. Undergo testing for drug and alcohol use/abuse, in compliance with laws.
3. Driver Operation.
- A) A school bus drivers shall:
    - 1. Observe carefully all signs, signals and rules of the road as provided by the Missouri Motor Vehicle Laws;
    - 2. Follow these loading and unloading procedures:
      - a) If school bus is equipped with a master switch, make sure the master switch is in the "on" position;
      - b) Activate prewarning amber flashing lights at least five hundred feet (500') before a designated stop;
      - c) When stopping for a designated stop, apply brakes hard enough to light up the brake lights so that vehicles behind the school bus will know it is slowing down;
      - d) Pull as far to the right as practicable on the traveled portion of the roadway and at a location so that the school bus is visible for at least three hundred feet (300') in both directions or five hundred feet (500') if the speed limit is greater than sixty (60) miles per hour. Check all mirrors to see that traffic is clear and it is safe to stop;
      - e) Approach waiting students with extreme care, paying attention to the surface on which the school bus will stop (dry, slippery, slopes right, rough ground, and the like). Bring the school bus to a complete stop so that the closest part of the school bus is not less than six feet (6') and not more than ten feet (10') from the closest student;
      - f) Place the transmission in neutral and set the parking brake as needed;
      - g) Deactivate the prewarning amber flashing lights and activate the red flashing warning lights and the stop arm when opening the service door after stopping;
      - h) Check traffic in front and rear of the school bus before you give the students a hand signal that it is okay to cross the road. Drivers should train students not to approach the school bus until given a signal and to check traffic before crossing the roadway;

- i) Require students who must cross the roadway after leaving the bus or before boarding the bus to cross a minimum of ten feet (10') in front of the bus and only upon a signal given by the driver, monitor or bus patrol when organized bus patrols are used; and
  - j) Have students go directly to their seats. When students are seated, check traffic and close the front door to deactivate the red flashing warning lights and stop arm;
- 3. Perform and prepare written documentation of the daily pretrip inspection which is to be submitted to the transportation administrator. Pretrip inspection of vehicles shall include brakes, steering components, lights, signaling devices, emergency door, tires and safety equipment, as a minimum. Any defects or deficiencies that may affect the safety of vehicle operation or result in mechanical breakdown shall be reported immediately in writing and driver shall not operate school bus until the defect or deficiency has been corrected;
- 4. Activate the prewarning amber flashing lights if a school bus stop must be made in close proximity to the crest of a hill or on curves with limited sight distance, approximately one hundred feet (100') before passing the crest so that vehicles following to the rear shall be made aware the bus is preparing to stop for the purpose of loading or unloading pupils;
- 5. Assume control of all children while they are being transported requiring respectable and orderly behavior from them. Particular attention should be given to the care and protection of the younger pupils. Any continued disorderly conduct should be reported to the proper school authorities;
- 6. Not back school bus on school grounds unless rear is guarded by school patrol or adult and driver is advised that the way is clear. Backing the bus at any time shall be avoided if at all possible;
- 7. Follow these procedures when a school bus is disabled:
  - a) Stop the bus as far to the right as possible (on the shoulder, if available);
  - b) Secure the bus, activate hazard/warning lights and set parking brake;
  - c) Keep children in bus. If location of the bus is unsafe, remove the children to a safer location;
  - d) Place triangular reflectors a minimum of one hundred feet (100') in both the front and rear of the bus;
  - e) Telephone, radio or send capable student to call authorities, giving bus location and description of breakdown; and
  - f) See that all pupils are delivered to their destinations;
- 8. Keep inside of vehicle clean and comfortable at all times;
- 9. Keep lettering and lights on front and rear of bus clean so that all markings are clearly visible;
- 10. Keep service door closed at all times when bus is in motion;
- 11. Not leave a loaded bus while motor is running;
- 12. Fill the fuel tank only when there are no children in the bus;
- 13. Not allow animals on the school bus except for seeing eye dogs or other specially trained animals necessary to furnishing special education services for handicapped children to comply with applicable state law and regulations;
- 14. Not allow weapons or explosive material on the school bus;
- 15. Not allow items carried on the school bus to protrude into or block the aisle or be left in the driver or emergency exit areas;
- 16. Make and promptly file all daily, weekly and monthly reports which may be required;
- 17. Use seat belt whenever the bus is in motion;
- 18. Not drive any school bus for more than:
  - a) Eight (8) consecutive hours. Hours will be consecutive unless the individual ceases operation of the vehicle for at least sixty (60) minutes; or
  - b) An aggregate of twelve (12) hours in a twenty-four (24)-hour period;
- 19. Illuminate headlights whenever students are being transported;

20. Not use tobacco products at any time in the school bus; and
  21. Not operate a school bus while under the influence of intoxicants, narcotics or drugs.
4. Public School District Route Approval.
- A) General Definitions.
    1. Eligible miles. Those actual regular school term and handicapped miles traveled from where the bus is kept at night until it returns to the same location after the pupils have been returned home, as long as it is used only to transport vocational students and K-12 pupils to and from school at the beginning and ending of the regular school day, are eligible for state transportation aid.
    2. Ineligible miles. All actual miles that are driven for any purpose other than transporting K-12 students to or from school during the school term are ineligible for state transportation aid. Regular summer school routes, non-handicapped early childhood routes, field trips, athletic trips, maintenance miles and other extracurricular activity trips are examples of ineligible miles. Miles traveled to rerun a route or part of a route to transport students participating in before- or after-school activities or training are also ineligible miles. All ineligible miles shall be recorded and subsequently reported on the application for state transportation aid.
    3. School bus route. A bus route begins when a bus leaves a point (home, school, and the like) empty and proceeds on a predetermined route, picking up pupils and then traveling to a school(s) until the bus is empty; and returning the pupils to a designated point after school. If more than one (1) route is run by the same bus, each additional route begins when the bus is empty after discharging all the pupils from a previous route and proceeds along another predetermined route, picking up pupils and discharging all of them at their attendance center(s) and returning them home.
  - B) Procedures. Public school districts must adopt a policy implementing school bus route approval procedures for the annual approval of the routes needed for safe and cost efficient pupil transportation service which meets and may exceed the state board's minimum requirements as described in this subsection.
    1. Criteria for determining routes:
      - a) Location of pupil's residence;
      - b) Grade and age of the pupils to be transported;
      - c) Type and condition of roads;
      - d) Standard of service desired; and
      - e) Funds available for transportation service.
    2. Safety considerations for establishing school bus routes:
      - a) The general safety of all routes in relation to hazards such as hills, intersections, railroad crossings, bridges, sharp curves, and obstructions to visibility;
      - b) The general safety of loading and unloading stops in relation to the visibility of approaching motorists;
      - c) Walking distance to the bus stop in relation to the age of the pupil; and
      - d) Walking route safety to loading stop, from unloading stop, and loading zones.
    3. Administrative policy shall be adopted by the public school district board of education which describes the criteria, safety considerations and routing standards school officials must use when establishing or modifying school bus routes. Examples of administrative policy components include but are not limited to:
      - a) Duplication of route miles and "deadheading" shall be avoided if at all possible;
      - b) School bus stops should be established no less than five hundred feet (500') apart;
      - c) Multiple routes by a single school bus should be used when possible;

- d) Routes should be planned to avoid dead-end streets or cul-de-sacs whenever possible;
  - e) Assign pupils to school buses so that passenger loads do not exceed manufacturer vehicle passenger capacity and to avoid overloading;
  - f) All school buses should be loaded as near their capacity as possible;
  - g) Buses should be used primarily to transport pupils to and from school. Buses may be used to transport pupils on school-sponsored activity trips, but such trips should not interfere with the transportation of pupils to and from school;
  - h) Each school district shall keep on file an up-to-date map showing the location and length of each school bus route;
  - i) Bus routing and seating plans shall be coordinated so that there are no standees and every passenger is provided a seat. The seating space provided each passenger must be sufficient to ensure that the back of each passenger may come into full contact with the seat back;
  - j) All vehicles used to transport pupils shall comply with the requirements of the law and with standards and safety rules as adopted by the board; and
  - k) School bus inspections shall not be made more than sixty (60) days prior to operating the vehicles during the school year.
4. School districts which transport nonresident pupils not legally assigned or through an interdistrict contract shall not claim any additional miles as eligible miles and the pupils shall be reported as ineligible pupils.
- a) High school pupils from elementary school districts. High school pupils residing in an elementary school district are to be claimed only by the elementary district. The elementary district shall claim mileage from where the bus enters the elementary district, including miles traveled within the elementary district and the most direct route to the school of attendance.

#### **5 CSR 30-261.025 Minimum Requirements for School Bus Chassis and Body**

1. The 2007 Missouri Minimum Standards for School Buses is hereby incorporated by reference and made a part of this rule to reflect the changing needs of pupil transportation in Missouri, changes in national specifications for school buses and federal motor vehicle safety standards. The changes will enhance the safety of schoolchildren being transported in school buses.
2. The minimum requirements for school bus chassis and body are divided into five (5) sections. Each section explains the specifications for the parts of a school bus. Section (1) deals with general provisions relative to administrative concerns. Section (2) defines the different types of school buses. Section (3) explains the minimum specifications for a school bus chassis. Section (4) explains the minimum specifications for a school bus body. Section (5) explains the minimum specifications for a school bus equipped specifically to transport handicapped students.

#### **5 CSR 30-261.040 Allowable Costs for State Transportation Aid**

***PURPOSE:** Section 163.161, RSMo authorizes state transportation aid to school districts based upon allowable costs. This rule defines allowable costs and specifies how they will be used in calculating state transportation aid. The rule further specifies school district recordkeeping and audit requirements related to the calculation of state aid.*

1. Allowable Costs for School District Operated School Transportation.
  - A) Salaries and benefits of personnel employed for the operation and maintenance of school transportation are allowable costs. If employees have other school duties in addition to those relating directly to transportation, then salaries and benefits shall be divided between school transportation and other programs according to time actually spent in each program.

1. Examples of school transportation personnel for which salaries and benefits are allowable include those paid to transportation directors, school aides serving students with disabilities pursuant to law, school bus drivers, dispatchers, transportation secretaries, mechanics and garage custodians.
2. Examples of personnel for which salaries and benefits are nonallowable include school administrators and administrative support staff that exceed the limitation described in paragraph (1)(l)1. of this rule.
  - A) Purchased service expense is an allowable cost. Examples of allowable purchased service expense include:
    1. Insurance for school buses;
    2. Labor contracted for repairs and parts used for repairs by persons other than school district employees;
  3. Expenditures for utilities, insurance and telephone for the school bus garage/storage facility. If these facilities are used for vehicles other than school buses, costs must be prorated on the basis of the number of vehicles served by the facility; and
  4. Expenditures for cellular telephone service and two (2)-way radio communication systems.
    - A) Supplies expense is an allowable cost. Examples of allowable supplies include:
      1. Fuel;
      2. Oil and other lubricants;
      3. Tires, both new and recapped, tubes, tire and tube repair;
      4. Tools;
    5. Parts, including engine parts, batteries, antifreeze, small motors, lights, lenses, bulbs, springs and shock absorbers; and
    6. Custodial supplies for the school bus garage/storage facility. If these facilities are used for vehicles other than school transportation vehicles, costs must be prorated on the basis of the number of vehicles served by the facility.
      - A) Capital outlay expense is an allowable cost. Capital outlay expenditures must be paid out of the Capital Projects Fund. Examples of allowable capital outlay expenditures include:
        1. The cost of retrofit equipment required on school buses under Missouri specification or otherwise authorized in this rule;
        2. Expenses incurred to equip school buses with a two (2)-way radio communication system, including a communication tower (antenna) and administrative base station or cellular telephones;
        3. Expenses for electronic safety and security equipment;
        4. Expenses incurred to equip school buses with strobe lights; and
        5. The cost of replacement engines for school buses.
      - B) The depreciation costs of new and used school buses are allowable. The purchase price of lease/purchased school buses shall not include interest. Each vehicle eligible for depreciation shall be depreciated on a straight-line depreciation schedule of eight (8) years beginning in the first year the school bus is placed in service. No depreciation will be paid for school buses which are ten (10) model years of age or older. If a vehicle is sold, either for cash or trade-in, its value and the gain or loss from sale or trade must be reflected in the aggregate district depreciation schedule.
      - C) The depreciation costs of new school bus facilities and the renovation of existing bus parking lot and school bus facilities that exceed five thousand dollars (\$5,000) per fiscal year shall be claimed by a school district on a straight-line depreciation schedule of twenty (20) years beginning in the first year of the facility's use. If these facilities are used for vehicles other than school buses, the depreciation charged will be prorated on the basis of the number of vehicles served by the facilities.
      - D) Allowable cost for transporting students with disabilities.
        1. Expenditures for additional equipment necessary for transporting students with disabilities, such as vehicle renovation, lifts, seat restraints and wheelchair locks.
        2. Expenditures for salaries and benefits of bus drivers and aides for students with disabilities, purchased services, supplies and capital outlay (excluding vehicle

- purchases) incurred while operating routes transporting only students with disabilities.
3. Routes to be approved by the local board of education and included for additional costs for transporting students with disabilities must meet the following criteria:
    - a) Transport students to and from school on a daily basis; and
    - b) Transport primarily students with disabilities.
- E) Gasoline, oil, parts or other operating expense for any vehicle or equipment that is not a school bus are not allowable. Examples include, but are not limited to, superintendents' cars, food service vans, school maintenance vehicles, driver education cars, lawn mowers, tractors, speech laboratories and bookmobiles.
- F) Administrative support service expenditures not to exceed five percent (5%) for each district-operated transportation services school district's total of subsections (1)(A)–(F) in this rule and for each contract-operated school district's total of subsection (2)(A) cost for providing administrative support services related to the operation of their school transportation program. Administrative support service expenditures include:
1. Salaries and benefits paid to part-time transportation directors, school administrators and administrative support staff;
  2. Expenditures for utilities, insurance and telephone for the transportation office;
  3. Custodial and office supplies for the transportation office; and
  4. Office space and equipment for the transportation office, including but not limited to: furniture, copy machine, fax machine, computer hardware and software.
7. Allowable Costs for Contracted School Transportation.
- A) Contracted transportation costs, including transportation of students under the provisions of section 304.060, RSMo administrative support services in subsection (1)(I) of this rule and costs paid to other school districts, are allowable.
8. Eligible and Ineligible Transportation Mileage.
- A) Transportation eligible for state aid includes:
1. Approved route mileage during the regular school term to and from:
    - a) School at the beginning and end of the regular school day;
    - b) A publicly-operated university laboratory school at the beginning and end of the school day;
    - c) Any school, department or class conducted during the regular school day for which career education aid is paid by the Division of Career Education that provides education services for high school students;
    - d) Special education classes either in or outside the district that require special transportation arrangements at the beginning and end of the regular school day or during the regular school day; and
    - e) Any public school district with an accredited high school when provided by an elementary school district at the beginning and end of the regular school day;
  2. Approved route mileage during the summer school term (for summer school programs that are approved by the Division of School Improvement) to and from special education classes either in or outside the district that require special transportation arrangements; and
  3. Route mileage will be approved by the local board of education on the basis of the most effective and economical route to transport students. All mileage on approved routes will be considered eligible including necessary mileage before student pickups and after student delivery.
- B) Transportation mileage ineligible for state aid includes:
1. Mileage to and from any place at any time for field trips, athletic events or extracurricular activities;
  2. Mileage for maintenance or safety inspections;
  3. Mileage for school bus operators to take commercial driver's license or school bus permit driving skills tests, or both;

4. Mileage for transporting three (3)- and four (4)-year old special education students to any place for education services authorized by section 162.700, RSMo;
  5. Mileage for a route that only picks up students who live less than one (1) mile from school.
- C) Each district shall maintain records in a detail as to readily disclose the eligible and ineligible mileage that contracted and/or district-operated school buses travel during the year.
9. Students Eligible and Ineligible for State Transportation Aid.
    - A) State aid for transportation shall be paid as provided in section 163.161, RSMo, and as implemented in this rule, only on the basis of the cost of transportation for those students living one (1) mile or more from school including publicly-operated university laboratory schools or who are transported one (1) mile or more to and from approved public career education courses, special education classes either in or outside the district. Regular school term, career education and students with disabilities are defined as eligible students in calculating a district's state transportation aid.
    - B) If a district provides transportation service to students living less than one (1) mile from school as provided in section 167.231, RSMo, or provide shuttle transportation less than one (1) mile to and from any school or learning center either in or outside the district, these students may be transported and are defined as ineligible students in calculating a district's state transportation aid. If, however, a local board of education determines that certain students who live less than one (1) mile from school or are transported at no appreciable expense to that incurred in the transportation of eligible students, a district may provide transportation to these students without increasing or diminishing its entitlement to state transportation aid but in no case shall a school district create space by adding an additional school bus to transport these students, or detour from the regular route to transport these ineligible students. No district shall be subject to a penalty when the district reports that certain students transported from a school bus stop, which existed in school year 2005-06 and who live less than one (1) mile from school, are being transported so these students do not have to cross a state highway or county arterial where there are no sidewalks, traffic signals, or a crossing guard to access the students' school building.
    - C) If a district receives compensation from a parent or guardian for transporting a student who lives less than one (1) mile from school, as provided in section 167.231, RSMo, the student shall be reported as ineligible and shall not be counted as a part of the students transported at no appreciable additional expense.
  10. Calculation of State Transportation Aid for Districts. State transportation aid, including district-operated transportation costs, contracted costs, or both, will be determined by prorating total allowable cost less the total cost of transportation of students with disabilities on the basis of eligible and ineligible miles less the miles for the transportation of students with disabilities. The average number of students daily transported (ADT) and the applicable mileage resulting from a contract for transportation between two (2) school districts will be certified by the district providing contracted service to the sending district. The ADT and mileage so certified will be omitted by the serving district from its calculation of state aid and will be included by the sending district in its state aid computations.
    - A) Non-disabled students allowable costs, less any receipts for interdistrict contracted transportation, will be divided by the total number of non-disabled students eligible miles and ineligible miles traveled to determine a non-disabled student cost per mile.
    - B) The non-disabled students cost per mile is multiplied by total non-disabled students eligible miles yielding the cost for non-disabled students eligible miles. This cost is divided by the average number of eligible non-disabled students plus the average number of ineligible students transported, less the average number transported at no appreciable additional expense, yielding the cost per non-disabled student ADT.
    - C) The cost per ADT for non-disabled students calculated in subsection (5)(B) is multiplied by the eligible non-disabled students ADT, representing the average

number of non-disabled students transported who live one (1) mile or more from school. If necessary, this product is then adjusted by the district's cost factor, as outlined in paragraph (7)(A)5., to determine what portion of its costs for eligible non-disabled students will be used in calculating transportation aid. The result of this step is then multiplied by seventy-five percent (75%) to obtain the maximum non-disabled students transportation aid amount.

- D) The total cost of transportation of students with disabilities is multiplied by seventy-five percent (75%) to obtain the maximum students with disabilities transportation aid amount.
  - E) The cost per ADT for non-disabled students calculated in subsection (5)(C) is combined with the cost per ADT for students with disabilities calculated in subsection (5)(D) to obtain the maximum transportation aid entitlement.
  - F) If the amount appropriated for transportation aid is less than the aggregate amount of entitlement for districts, then the amount of aid distributed to each district shall be prorated to equal the level of appropriation.
11. Records and Audits.
- A) Each school district will annually submit the data required to determine the allowable costs, ridership, and mileage upon which its transportation aid will be computed. The transportation data must be documented by the records of the local school district.
    - 1. Records are to be kept on a school-year basis.
    - 2. Records are to include substantiation for the following:
      - a) Allowable costs as defined in this rule;
      - b) Eligible and ineligible mileage as defined in this rule;
      - c) Numbers of students who are provided transportation under eligible mileage; and
      - d) All receipts for transportation contracts from other districts, student activities or other sources.
  - B) The school district audit provided for in section 165.121, RSMo, shall include an opinion statement regarding the adequacy and accuracy of allowable cost and mileage records kept by the district and used for the transportation aid application for the period audited.
12. Procedures to Evaluate Circumstances to Authorize State Transportation Aid in Excess of State Average Approved Cost Per Pupil Transported the Second Previous Year.
- A) The district cost factor described below shall be used to measure the efficiency of the transportation program for costs other than the costs of transporting exclusively students with disabilities.
    - 1. A curvilinear regression analysis is computed annually to predict y, the cost per student mile, based on x, the number of miles per student per day, for each district.
    - 2. The cost per student mile predicted for each district is compared with the district's actual cost per student mile. When the cost factor ratio of actual to predicted costs is one hundred percent (100%) or less, the operation of the district's transportation service is considered to be efficient. If the percentage is greater than one hundred percent (100%), the operation of the transportation service is presumed to be inefficient.
    - 3. A variance factor of four percent (4%) based statistically on the standard error recognizes possible error in the regression analysis. The state maximum cost factor will be one hundred four percent (104%) (one hundred percent plus four percent (100% + 4%) variance factor).
    - 4. The allowable costs of a district will be reduced by the same percentage that the district's cost factor exceeds one hundred four percent (104%) with no adjustment exceeding thirty percent (30%). For example, if the district's cost factor is one hundred ten percent (110%), this figure exceeds one hundred four percent (104%) by six percent (6%) and the allowable costs would be reduced six percent (6%) before calculating transportation aid. Likewise, if the district's cost factor is one hundred fifty percent (150%), this figure exceeds one hundred four

percent (104%) by forty-six percent (46%) but the allowable costs will be reduced by thirty percent (30%) so that no less than seventy percent (70%) of the allowable costs will be used in calculating transportation aid.

5. The following statistical formula defines the curvilinear regression analysis used to determine cost factors.

**Prediction Formula**

$$y = ax^b$$

- y = predicted cost per pupil per mile for a district
- x = actual miles per pupil per day for a district [a; and]
- a and b = computed amounts using the entire state's average miles per pupil per day (x) and average cost per pupil mile (y) as further defined.

**Formula to compute a**

$$a = e^{(\sum Lny - b \sum Lnx) / N}$$

- e = 2.71 (This is a constant from mathematics. "a" is obtained by finding the natural antilog of the exponent of "e" as shown in the equation above.)

**Formula to compute b**

$$b = \frac{N \sum (Lnx \bullet Lny) - (\sum Lnx) \bullet (\sum Lny)}{N \sum (Lnx)^2 - (\sum Lnx)^2}$$

The meanings of the symbols used in the formulas defining "a" and "b" are as listed—

- Lnx = natural logarithm of each x
- Lny = natural logarithm of each y
- (Lnx)<sup>2</sup> = natural logarithm of each x squared
- (Lnx) • (Lny) = natural logarithm of x multiplied by the natural logarithm of y for each district
- ∑Lnx = sum of Lnx for all transporting districts
- ∑Lny = sum of Lny for all transporting districts
- ∑(Lnx)<sup>2</sup> = sum of (Lnx)<sup>2</sup> for all transporting districts
- ∑(Lnx • Lny) = sum of (Lnx • Lny) for all transporting districts
- N = number of transporting districts

**5 CSR 30-261.045 Pupil Transportation in Vehicles Other Than School Buses**

***PURPOSE:** Section 304.060, RSMo, authorizes vehicles other than approved school buses to be used for transportation of students. This rule establishes standards for transportation in other than approved school buses.*

1. Requirements for transportation of students in vehicles designed for transporting more than ten (10) passengers including the driver.
  - A) After July 1, 2001, newly purchased, newly leased, newly placed into service, newly contracted vehicles or vehicles replaced under contracted services with a rated capacity, as defined by the manufacturer, to carry more than ten (10) passengers including the driver that are used to transport students to or from school or to

transport students to or from any place for educational purposes or school purposes shall meet state and federal specification and safety standards applicable to school buses. Contract common carriers meeting federal Department of Transportation standards may be used for field trips as outlined in section (3) of this rule.

2. Requirements for transportation of students in vehicles designed for transporting ten (10) passengers or less including the driver.
  - A) The number of passengers, including students and driver, that may be transported at any one (1) time shall be limited to the number the manufacturer suggests as appropriate for that vehicle in accordance with section 304.060, RSMo, or if not posted in the vehicle, then limited to the number of seat belts in the vehicle.
  - B) The driver and each passenger shall be properly secured with the appropriate seat restraint at all times while the vehicle is in motion.
  - C) Motor vehicles designed for enclosed passenger transportation may be used subject to approval by the local board of education.
  - D) Motor vehicles shall be licensed according to law and shall display a current state safety inspection sticker.
  - E) The driver of a district owned or district contracted vehicle shall have a valid Missouri operator's license for the motor vehicle and comply with section 302.272, RSMo, and 5 CSR 30-261.010(2)(A)1-3, not to include a parent or guardian transporting only their children under a written contract with the district and who is not compensated by the district. The parent or guardian shall have a valid Missouri operator's license for the vehicle operated as per 5 CSR 30-261.010(2)(A).
  - F) The driver of a privately owned vehicle who is not compensated by the school district to transport students to and from school or school related events shall have a valid Missouri operator's license for the vehicle operated as per 5 CSR 30-261.010(2)(A). This shall include any person who transports school children as an incident to employment with a school or school district, such as a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under contract with or employed by a school or school district as a school bus operator as per section 302.010 (19), RSMo. Compensation shall be defined for the purpose of this section as any reimbursement received by the driver that exceeds the average cost of operating a car per mile as established by the American Automobile Association.
  - G) Motor vehicles shall have liability insurance coverage in accordance with section 537.610, RSMo, and as required by the local board of education.
  - H) When transportation service in motor vehicles other than those licensed as school buses is contracted, there shall be a written contract between the district and the individual or firm providing the service.
3. Requirements for Transportation of Students in Authorized Common Carriers.
  - A) Authorized common carriers shall only be used to transport students to and from field trips or other special trips for educational purposes and shall not be used to transport students to and from school. Authorized common carriers, as used in this rule, are over-the-road intercity-type coaches equipped with reclining seats, air conditioning and restroom facilities, and holding authority from the Missouri Department of Economic Development, Division of Motor Carrier and Railroad Safety, or the Federal Motor Carrier Safety Administration.
  - B) There shall be a written contract between the district and individual or firm providing the vehicle.
  - C) All contracts with authorized common carriers shall include:
    1. Proof of liability insurance in the amount of five (5) million dollars per accident; and
    2. Proof of safety inspection and compliance with applicable federal Motor Carrier Safety Regulations.
  - D) The driver of an authorized common carrier shall hold a valid Missouri commercial driver's license or a similar license valid in any other state and shall comply with all applicable driver qualifications of the federal Motor Carrier Safety Regulations.

## 5 CSR 30-261.050 Pupil Transportation Hardships

**PURPOSE:** *This rule establishes guidelines for the assignment of pupils based upon the finding of an unusual or unreasonable transportation hardship pursuant to section 167.121, RSMo.*

1. For the purpose of this rule, the following terms shall mean:
  - A) Information request - The forms submitted to the designated review officer by the petitioner or the affected districts to document the existence of an unusual or unreasonable transportation hardship;
  - B) Natural barriers - Obstructions to school bus routes, for students who are required by law to be transported or students who are transported as a result of school district practice or policy, caused by streams, rivers, lakes and multi-lane highways with limited access;
  - C) Petitioned district - That district to which the pupil will be assigned should the petition for assignment be granted.
  - D) Petitioner - A parent or guardian of a pupil or, if eighteen (18) years of age or otherwise emancipated, the pupil who has petitioned for assignment pursuant to section 167.121, RSMo;
  - E) Resident district - The district where the pupil resides at the time a petition for assignment is submitted;
  - F) Review officer - That individual designated by the commissioner of education to review the request for assignment based upon the finding of an unusual or unreasonable transportation hardship;
  - G) Travel distance - The distance traveled to transport a pupil from the pupil's place of residence or other designated pickup point to the site of the pupil's educational placement; and
  - H) Travel time - That period of time required to transport a pupil from the pupil's place of residence or other designated pickup point to the site of the pupil's educational placement;
2. A petition may be filed with the commissioner of education to assign a pupil to another district based upon the existence of an unusual or unreasonable transportation hardship. This petition must outline the basis for the request for assignment and be signed by the petitioning party.
3. Upon receipt of a petition for assignment, the commissioner of education shall designate a review officer to make findings and a decision as to the existence of an unusual or unreasonable transportation hardship. The designated review officer shall notify both the resident district and the petitioned district of the contents of the petition and shall forward to those districts relevant information requests.
4. The review officer shall make findings and a decision relating to the existence of a transportation hardship based upon the petition for assignment and responses to the information request submitted by the affected district. In addition, the review officer, at his/her discretion, may elect to make a visual inspection of the transportation routes in question and use those findings in his/her determination. Assignment requests based upon documented travel time of less than seventy-five (75) minutes shall be granted only upon the demonstration of special circumstances or transportation hardships caused by natural barriers.
5. The findings and decision of the review officer relating to the petition for assignment shall be made in writing and submitted to the petitioner, the resident district and the petitioned district. If it is the decision of the review officer that an unusual or unreasonable transportation hardship exists, then the pupil shall be assigned to the petitioned school district. The board of education of the resident district shall be responsible for paying the tuition and, when appropriate, transportation costs of the pupil assigned consistent with the provisions of sections 167.121 and 167.241, RSMo.
6. Not later than thirty (30) days from receipt of notice of the decision of the review officer, the petitioned district shall provide information to the resident district indicating the tuition

- amount and, if appropriate, transportation costs to be paid by the resident district consistent with the provisions of section 167.121 and 167.241, RSMo, for the pupil that has been assigned. If the resident district disagrees to the amount of the tuition or the transportation costs to be paid, the resident district shall indicate this disagreement to the review officer no later than forty-five (45) days from the date of notice that the pupil was assigned to the petitioned district. The review officer shall determine the appropriate amount of tuition cost to be paid by the resident district and, if appropriate, transportation costs, within fifteen (15) days, and shall notify the resident district and the petitioned district.
7. Findings and/or decisions of the review officer as described in sections (5) and (6) may be affirmed, rescinded or modified by the commissioner of education upon request of the petitioner, resident district or petitioned district. Requests to affirm, rescind, or modify and finding and/or decision of the review officer shall be placed before the commissioner of education by the petitioner, resident district or petitioned district within ten (10) days from notification of the findings and decisions of the review officer as described in sections (5) and (6).
  8. Decisions of the commissioner of education as provided in section (7) may be appealed to the State Board of Education upon a written notice of intent to appeal by the petitioner, resident district or petitioned district. These appeals to the State Board of Education shall be limited to written information provided by the petitioner, resident district or petitioned district as to why the decision of the commissioner of education was in error. The intent to appeal shall be indicated in writing to the commissioner of education within ten (10) days from receipt of the commissioner of education's decisions as provided in section (7).
  9. As soon as reasonably possible after the commissioner of education receives the intent to appeal as provided in section (8), the appeal shall be placed on the agenda of the State Board of Education. The commissioner of education shall notify the petitioner, resident district and petitioned district of the date the appeal is to be considered by the State Board of Education. Upon an adjudication of the appeal, the State Board of Education shall notify the petitioner, resident district and petitioned district of its decision.
  10. Should the resident district refuse or otherwise fail to make payment of the tuition amount and, if appropriate, transportation costs for the pupil that has been assigned consistent with the provisions of sections 167.121 and 167.241, RSMo, as of June 30 following the date the pupil was assigned to the petitioned district, and if requested by the petitioned district, and assuming the petitioned district has provided accurate and complete attendance data to the resident district for the pupil as determined by the Department of Elementary and Secondary Education, the Department of Elementary and Secondary Education shall be authorized to withhold that amount from subsequent state aid payments to the resident district and transfer the amount withheld to the petitioned district.
  11. Any final decision of assignment made during the course of any school semester, or any other term in which classes are held, shall remain in place until the end of that semester or term. Any petition for review of an existing assignment must be received by the Commissioner of Education thirty (30) days prior to the beginning of the semester in which rescinding of the assignment would take place.

**TITLE 7—DEPARTMENT TRANSPORTATION**  
**Division 265—Motor Carrier and Railroad Safety**  
**Chapter 10—Motor Carrier Operations**

**7 CSR 265-10.070 Classification of Common Carriers by Services Performed**

**PURPOSE:** *Except as preempted by Section 601 of the Federal Aviation Administration Authorization Act of 1994 (H.R. 2379, 103d Congress, 2dSession)(49 U.S.C. sections 11501(h) and 41713(b)), the Division of Transportation has authority to establish just and reasonable classifications of types of carriers included in the terms common carriers or contract carriers as*

*the special nature of the service performed by the carriers shall require. This rule establishes and defines the service authorized for these classifications of carriers.*

- (1) The following classifications of types of common and contract carriers are established pursuant to section 601 of the Federal Aviation Administration Authorization Act of 1994 along with the special nature of the service that each shall be entitled to perform:
  - A) Motor carriers of passengers in school bus type equipment shall be authorized to transport passengers and their baggage on the highways of Missouri only in vehicles designed for the transportation of students to or from school, and shall specifically exclude vehicles which have reclining seats, special head or foot rests, lavatories, restrooms or snack bars, air conditioning or other conversions or comforts not normally found in school buses. When the vehicles are operated under a certificate or permit issued by the division, the designation school bus shall be covered and the stop arm deactivated; ...

**APPENDIX  
RESOURCE REFERENCE**

Missouri Department of Elementary  
and Secondary Education  
School Transportation Section  
205 Jefferson Street  
P.O. Box 480  
Jefferson City, MO 65102-0480  
(573) 751-0357

Missouri State Highway Patrol  
Motor Vehicle Inspection  
General Headquarters  
1510 Elm Street  
P.O. Box 568  
Jefferson City, MO 65102  
(573) 751-3313

Missouri Department of Revenue  
Drivers License Bureau  
CDL and School Bus Endorsement  
PO Box 200  
Jefferson City, MO 65105-0200  
(573) 751-2730

Drug and Alcohol Testing  
Federal Motor Carrier Safety Administration  
U.S. Dept. of Transportation  
3219 Emerald Lane, Suite 500  
Jefferson City, MO 65109  
(573) 636-3246

**PUPIL TRANSPORTATION RELATED WEBSITES**

|  |  |
|--|--|
| DESE, School Transportation  | <a href="http://dese.mo.gov/divadm/trans">dese.mo.gov/divadm/trans</a>                 |
| American School Bus Council  | <a href="http://www.americanschoolbuscouncil.org">www.americanschoolbuscouncil.org</a> |
| Federal Dept. of Transportation<br>DOT, CDL Requirements, and Drug Testing | <a href="http://www.dot.gov/ost/dapc">www.dot.gov/ost/dapc</a>                         |
| Federal Motor Carrier Safety Administration                                | <a href="http://www.fmcsa.dot.gov">www.fmcsa.dot.gov</a>                               |
| Missouri Division of Highway Safety  | <a href="http://www.modot.org/safety">www.modot.org/safety</a>                         |
| Missouri Safety Center, CMSU   | <a href="http://www.safetycenter.ucmo.edu">www.safetycenter.ucmo.edu</a>               |
| Motor Vehicle Inspection Division, MO State Highway Patrol                 | <a href="http://www.mshp.dps.missouri.gov">www.mshp.dps.missouri.gov</a>               |
| National Assn. for Pupil Transportation                                    | <a href="http://www.napt.org">www.napt.org</a>   |
| National Assn. of State Directors of Pupil Transportation Svcs             | <a href="http://www.nasdpts.org">www.nasdpts.org</a>                                   |
| National Traffic Safety Board  | <a href="http://www.nts.gov">www.nts.gov</a>   |
| National School Transportation Assn.                                       | <a href="http://www.yellowbuses.org">www.yellowbuses.org</a>                           |
| NHTSA Safety Information   | <a href="http://www.nhtsa.dot.gov">www.nhtsa.dot.gov</a>                               |
| Operation Lifesaver  | <a href="http://showmeol.org">showmeol.org</a>   |
| Pupil Transportation Safety Institute                                      | <a href="http://www.ptsi.org">www.ptsi.org</a>   |
| School Bus Fleet Magazine  | <a href="http://www.schoolbusfleet.com">www.schoolbusfleet.com</a>                     |
| School Transportation News   | <a href="http://www.stnonline.com/stn/">http://www.stnonline.com/stn/</a>              |
| School Bus Information Council   | <a href="http://www.schoolbusinfo.org">www.schoolbusinfo.org</a>                       |

**SCHOOL BUS VENDORS**

|   |  |   |
|---|--|---|
| Central States Bus Sales<br>2450 Cassens Drive<br>St. Louis, MO 63026<br>(800) 825-8273<br>Bluebird             | Midwest Bus Sales, Inc.<br>313 E. Front St<br>Bonner Springs, KS 66012<br>(800) 447-2801<br>Thomas and Girardin                  | Allied Bus Sales<br>P.O. Box 470<br>Nixa, MO 65714<br>(417) 725-2685 (800) 462-0173<br>International and Trans Tech |
| Southern Bus & Mobility<br>80 South Hwy. Drive<br>Valley Park, MO 63088<br>(866) 327-1600<br>Collins or Mid Bus | Midwest Transit Equipment, Inc.<br>146 West Issert Drive<br>PO Box 582<br>Kankakee, IL 60901<br>(800) 933-2412<br>IC and Collins | Master's Transportation, Inc.<br>800 Quik Trip Way<br>Belton, MO 64012<br>(800) 783-3613<br>Collins and Lion        |