

TABLE OF CONTENTS

Page

Preface.	1
Kansas Administrative Regulations	
91-38-1 Definitions	2
91-38-2 General Limitations and Requirements	3
91-38-3 School Transportation Supervisor: Duties and Responsibilities	5
91-38-4 Compliance with Chassis and Body Construction Standards	7
91-38-5 Annual Inspection of School Vehicles	8
91-38-6 School Transportation Driver Qualifications	9
91-38-7 Driver's Duties and Responsibilities	14
91-38-8 Loading and Unloading Procedure	15
91-38-9 Emergency Procedures.	17
91-38-10 Use of Urban Mass Transportation Buses.	18
36-26-1 Railroad Grade Crossings; Stopping Required	19
2000 National Standards Documents	
Bus Chassis Standards	21
Bus Body Standards	34
Specially Equipped School Bus Standards	64
Securement and Restraint System For Wheelchair/Mobility Aid and Occupant	73
Kansas Statutes Annotated	
8-126 Definitions	82
8-128 Registration of Vehicles, Exceptions.	85
8-2,128 Definitions	86
8-2,132 Driver of Commercial Vehicle.	90
8-2,133 Issuance of License; Knowledge and Skills Test.	91

8-2,135	Commercial Driver's License, Contents; Endorsements	91
8-2,137	Tests for Alcohol or Drugs; Consent Implied	93
8-2,138	Notification of Conviction of Traffic Control to Licensing State	93
8-2,142	Disqualification from Driving Commercial Vehicle.	94
8-2,144	Commercial Motor Vehicles; Driving Under the Influence of Alcohol	97
8-2,149	Commercial Driver's Licenses; School Bus Endorsement;	98
8-2,150	Commercial Driver's Licenses; Diversion Agreements.	99
8-234b	Classes of Drivers? Licenses; Applications for Original Licenses; Examinations; Rules and Regulations	99
8-238	Operators of School Buses; Operators of Vehicles Transporting persons or Certain Property for Compensation; Age Restriction .	102
8-254	Mandatory Revocation of Driver's License by Division; Exceptions for Court Imposed Restrictions.	102
8-255	Suspension of Driving Privileges by Division of Vehicles; Grounds; Procedure for Suspension or Revocation; Driver Improvement Clinics	103
8-262	Driving While License Canceled, Suspended or Revoked;	106
8-265	Employing Persons to Operate Vehicle; Proper Class of License Required	107
8-301	Private Use Forbidden	107
8-304	Marking of Vehicles of Political Subdivisions; Vehicle Defined.	107
8-305	Marking of Vehicles of Political Subdivisions; How Marked; Exceptions.	108
8-306	Same; Operation or Control of Unmarked Vehicle; Removal of Officer or Employee from Office	108
8-1014	Suspension and Restriction of Driving Privileges for Test Refusal, Test Failure or Alcohol or Drug-Related Conviction;. .	108
8-1342	Civil Penalty for Overloading Certain Vehicles	110
8-1344	Child Passenger Safety; Restraining Systems for Children Under the Age of Four; Use of Seat Belts by Children Between the Ages of Five and Fourteen	111
8-1404	Authorized Emergency Vehicle Defined; Exemptions	111

8-1406	"Bus" Defined	112
8-1411	"Crosswalk" Defined	112
8-1414	"Divided Highway" Defined	112
8-1416	"Driver" Defined.	112
8-1424	"Highway" Defined	113
8-1428	"Intersection" Defined.	113
8-1437	"Motor Vehicle" Defined	113
8-1445	"Passenger Car" Defined	114
8-1459	"Roadway" Defined	114
8-1461	"School Bus" Defined.	114
8-1465	"Sidewalk" Defined.	114
8-1473	"Street" Defined.	115
8-1478	"Traffic Control Signal" Defined.	115
8-1503	Required Obedience to Lawful Order of Police Officer or Fireman; Misdemeanor	115
8-1507	Official Traffic-Control Devices; Required Obedience; Placement; Presumptions	115
8-1508	Traffic-Control Signal Legend.	116
8-1510	Flashing Traffic Signals	118
8-1511	Lane-Direction-Control Signals	119
8-1521	One-Way Highways, Roadways or Traffic Lanes; Designation by Secretary of Transportation or Local Authorities; Duties of Drivers; Rotary Traffic Islands	119
8-1530	Duty of Driver Upon Approach of Authorized Emergency Vehicle . .	120
8-1535	Same; Drivers to Exercise Due Care	120
8-1551	Obedience to Signal Indicating Approach of Train	121
8-1553	Certain Vehicles Required to Stop at Railroad Crossings; Exceptions	121
8-1556	Overtaking and Passing School Bus; Actuation of Visual Signals by Driver of Bus, When; Required School Bus Markings.	122

8-1556a	Passing Church and Day Care Program Buses; Use of Signals. . . .	124
8-1557	Basic Rule Governing Speed of Vehicles	124
8-1558	Maximum Speed Limits	125
8-1560	Alteration of Maximum Speed Limits;	126
8-1580	Coasting Prohibited.	127
8-1584	Restrictions on Driving into Intersection or Crosswalk or onto Railroad Grade Crossing.	127
8-1703	When Lighted Lamps Required.	128
8-1716	Parked Vehicles Lamps Required; Color; Location; Time for Display Of Lighted Lamps; Depressing or Dimming of Head Lamps.	128
8-1723	Additional Lighting Equipment Permitted.	129
8-1725	Head Lamps; Use of; Exception For Alternately or Simultaneously Flashing Headlamps.	130
8-1729	Lights and Signals; Restrictions; Exceptions for Certain Vehicles and Including School, Church, and Day Care Buses	131
8-1730	Lighting Equipment and Warning Devices on School Buses	132
8-1730a	Definitions of "Church Bus" and "Day Care Program Bus"; Equipment and Markings	133
8-1741	Windshields and Windows; Damaged Windshields Prohibited	133
8-1742	Restrictions as to Tire Equipment.	134
8-1744	Flares or Warning Devices; Vehicles Subject to Requirements; Use, When Required; Unlawful Acts; Compliance with Federal Requirements	135
8-1745	Display of Vehicular Hazard Warning Signal Lamps and Warning Devices by Certain Stopped or Disabled Vehicles.	136
8-1748	Television Receivers; Exceptions	139
8-1749a	One-Way Glass and Sun Screening Devices; Requirements; Penalties.	140
8-1749b	Sun Screening Devices; Definitions	141
8-1749c	Unlawful Installation of Sun Screening Device; Penalty	141
8-2009	Regulations Governing Design and Operation of School Buses; Effect of Noncompliance	142

8-2009a	School Buses; Exemptions from Requirements of Law and Regulations; Approval by State Board of Education	143
8-2137	Automobiles and Other Vehicles Article 2—Drivers' Licenses . . .	143
8-2138	Automobiles; Notification of Conviction of Traffic Control . . .	144
8-2501	Safety Belt Use Act; Citation.	144
8-2502	Same; ?Passenger Car? Defined.	144
8-2503	Same; Wearing of Seat Belt by Certain Persons Required; Exceptions; Educational Program; Evaluation of Effectiveness of Act; Act Enforced Only When Stopped for Violation of Another Law.	144
8-2507	Same, Manufacturer Warranty of Safety Belts; ?Motor Vehicle? Defined.	145
21-4009	Smoking in a Public Place; Definitions	146
21-4010	Same; Smoking in Public Place Prohibited	146
21-4204	Criminal Possession Of A Firearm.	146
38-1522	Minors; Kansas Code For Care of Children.	149
40-1112a	Discount for Motor Vehicle Insurance, When; Conditions	150
72-1046a	Nonresident Pupils; Attendance in School	151
72-1046b	Provision of Transportation Authorized; Applicability; Conditions	152
72-5213	Certification of Health; Form and Contents; Expense of Obtaining; Alternative Certification.	153
72-5390	Fees; Supplemental Charges Authorized to be Prescribed and Collected; Disposition of Moneys;.	154
72-8301	Definitions.	155
72-8302	Transportation of Pupils;.	156
72-8303	Transportation Routes; Regular School Route.	158
72-8304	Contracts for Transportation of Certain Students; Mileage Rates.	159
72-8305	Transportation for Activities; Rules and Regulations	159
72-8306	Transportation of Nonpublic School Pupils.	160
72-8307	Interschool District Contracts for Transportation.	160

72-8308	Compliance With Uniform Act Regulations Traffic on Highways. . .	161
72-8309	Transportation of Nonresidents Pupil Students;	161
72-8313	Used School Buses; Purchaser's Duty to Modify; Exceptions. . . .	162
72-8314	Same; Penalty for Violations	162
72-8316	School Bus Use For Purposes Other Than Pupil Transportation; . .	163
72-8317	School Bus Transportation For Adult Students	164
72-8318	Transportation of Pupils; Use of School Bus Required	165
72-8233	Interdistrict Agreements for Provision of Educational Programs Authorized; Conditions	165
72-8404	Motor Vehicle Liability Insurance and Medical Payments Insurance	167
72-89a01	Definitions, As Used in This ACT:.	167
72-89a02	Policies Requiring Expulsion of Pupils for Possession of Weapons, Adoption, Filing; Hearings; Modification of Requirement Authorized; Referral Procedure; Annual Report; Circumstances When Policy Not Applicable.	168
74-2012	Division of Vehicles, Records; Disclosure; Fees.	170
75-3203	State Departments; Public Officers and Employees	172
79-3401	Citation of Act; Definitions	174
79-3453	Refund of Tax Paid on Motor-Vehicle Fuels or Special Fuels . . .	177
79-3454	Refund Permit; Applications; Contents; Fee; Duties of Director .	177
79-3455	Cancellation of Refund Permit.	178
79-3456	Invoice by Licensed Distributors or Retailers;	178
79-3464a	Dyed Special Fuels;.	179
79-3464e	Unlawful Acts; Penalties	180
Kansas Guidelines for School Transportation		
	National Standards for School Transportation	183
	Additional Guidelines to Consider When Purchasing School Buses	184
	Inspection Process	184
	Seating Capacity Guidelines for School Buses	184

Driver Trainer Qualifications	185
Driver Training Requirements	185
Use of School Passenger Vehicles	187
Loading and Unloading of Students.	188
Communication.	189
Passenger Conduct Rules.	189
Guidelines to Increase Visibility of Vehicles.	190
Emergency Procedures	190
Guidelines When Approached by Emergency Vehicles	191
Special Needs Student Transportation	192
Pre-School and Head Start Transportation.	192



SCHOOL TRANSPORTATION REGULATIONS,
STANDARDS, STATUTES, AND GUIDELINES
FOR KANSAS

Preface

This document was prepared with the assistance of many school transportation professionals from Kansas and other states, with the goal of providing a comprehensive document to assist school transportation personnel as they ensure the safest possible transportation for the students across Kansas. If you have any questions, or if you see any areas that have not been addressed effectively, please send your comments in writing to:

Kansas State Department of Education
School Bus Safety Education Unit
120 Southeast Tenth Avenue
Topeka, KS 66612-1182

Unless otherwise noted, all information from this document is reproducible.

Children are our future. All members of the education team must cooperate to ensure their future.

91-38-1. DEFINITIONS.

- (a) "Activity bus" means any over-the-road, commercial-type bus utilized by a governing body only to transport students to and from school activities as authorized by K.S.A. 72-8301 (c)(3), and amendments thereto. An activity bus may be a color other than school bus yellow.
- (b) "Bus" means any motor vehicle, as defined in K.S.A. 8-1406 and amendments thereto, that is designed for transporting more than 10 passengers in addition to the driver.
- (c) "Driver-trainer" means any person who is assigned by a transportation supervisor to provide instruction and training to other school transportation providers, including knowledge of vehicles used to provide student transportation, safe driving practices, emergency procedures, and passenger control. The driver-trainer shall maintain current licensure to operate the largest vehicle about which the driver-trainer is to provide instruction and shall have experience as a school bus driver.
- (d) "Governing body" means the local board of education or other entity having authority over a school district.
- (e) "Multipurpose passenger vehicle" means a motor vehicle, as defined in K.S.A. 8-126 and amendments thereto, that is designed to transport 10 or fewer persons, including the driver, and that is constructed on a truck chassis.
- (f) "School bus" means any bus designed primarily for the transportation of students or school personnel either to or from school or to or from school-related functions or activities. A school bus may be owned by a school district or a private company. The term shall include any van or other vehicle rated by the manufacturer, or having a door label, as a bus.
- (g) "School bus driver" means any person employed by a school district or school bus contractor to drive a school bus or activity bus.
- (h) "School district" means any unified school district or private school.
- (I) "School passenger vehicle" means any passenger car or multipurpose passenger vehicle that is owned or leased by a school district or private individual and is used regularly to provide student transportation on behalf of a school district.

- (j) "School passenger vehicle driver" means any person employed by a school district primarily to provide transportation for students in a school passenger vehicle.
- (k) "School transportation provider" means either a school bus driver or a school passenger vehicle driver.
- (l) "School vehicle" means any activity bus, school bus, or school passenger vehicle.
- (m) "Short-term leased vehicle" means any school vehicle that is leased by a school district for a period of 30 or fewer days.
- (n) "Substitute driver" means any person who is not assigned to a regular route but is employed to serve as a school transportation provider when necessary due to driver absences or emergencies.
- (o) "Transportation supervisor" means a person designated by a governing body to be responsible for transportation activities within a school district.

(Authorized by and implementing K.S.A. 8-2009; effective July 1, 2000; amended March 28, 2003.)

91-38-2. GENERAL LIMITATIONS AND REQUIREMENTS.

- (a) No governing body shall have a school bus in service after July 1, 1992, unless the school bus was manufactured after April 1, 1977, and either is no more than 20 years old or has been modified to meet current standards. Each school bus shall meet the standards specified by law and this article.
- (b) The owner's name shall be displayed on each side of any school bus.
- (c) Activity buses, as defined in K.A.R. 91-38-1(a), shall not be utilized to provide student transportation to and from school.
- (d) Each school bus, activity bus, and school passenger vehicle shall be equipped with a two-way communication system.

- (e) (1) Each school bus shall contain the following emergency supplies:
 - (A) At least one 2A-10BC fire extinguisher;
 - (B) at least one readily identifiable first-aid kit in a removable, waterproof, and dustproof container;
 - (C) at least one readily identifiable body fluid clean-up kit, in a removable, water proof, and dustproff container;
 - (D) a minimum of three reflectorized triangle warning devices, securely stored but in an accessible location.
- (2) The first-aid kit, body fluid clean-up kit, and fire extinguisher shall be mounted in full view of, and readily accessible to, the driver.
- (f) Each governing body shall ensure that occupant restraint systems are provided for, and utilized by, all occupants of school passenger vehicles. When providing transportation for infants and preschool children in school passenger vehicles, age- and size-appropriate child safety restraining systems shall be utilized, in accordance with the provisions of K.S.A. 8-1344, and amendments thereto. (Authorized by K.S.A. Supp. 8-2009; implementing K.S.A. 8-2009, 8-2009a; effective July 1, 2000; amended March 28, 2003.)

91-38-3. SCHOOL TRANSPORTATION SUPERVISOR: DUTIES AND RESPONSIBILITIES.

- (a) (1) Appointment. Each governing body shall designate an employee to be the transportation supervisor.
- (2) General responsibilities.
 - (A) The transportation supervisor shall be responsible for supervision and maintenance of the school district's transportation system.
 - (B) The transportation supervisor shall act as liaison between the school district and any contracted bus transportation service.
- (b) School transportation routes and stops
 - (1) The transportation supervisor shall be responsible for establishing all regular transportation routes and stops for the loading and unloading of students along those routes. The supervisor shall keep a current map on file for each regular transportation route, with all stops noted and a current map of the school district showing each attendance center.
 - (2) The transportation supervisor shall not establish stops on any interstate highway, state toll road, or other limited-access highway.
 - (3) The transportation supervisor shall give special consideration to road conditions and safety concerns when planning the regular transportation routes. If a safety hazard is encountered, the appropriate authorities shall be contacted about eliminating or correcting the hazard, if possible.
 - (4) Each driver shall report to the transportation supervisor any condition encountered by the driver on a transportation route that appears to pose a safety hazard.
 - (5) If visibility is less than 500 feet when approaching an established school bus stop from any direction, the transportation supervisor shall contact state, county, or township road authorities and request that warning signs be posted for the school bus stop. Whenever practicable, stops shall be established only at points where visibility is at least 500 feet for all motorists.

(c) Driver training meetings.

- (1) Each transportation supervisor shall conduct at least 10 safety meetings per year for all school transportation providers employed by the school district.
- (2) Attendance at each meeting shall be documented with a sign-in sheet or similar document. The record of attendance and the agenda shall be retained by the supervisor for at least two years.
- (3) Safety meeting topics shall include school transportation safety concerns from drivers regarding route safety, changes in laws or regulations, and other safety issues as determined appropriate by the transportation supervisor.
- (4) Safety meetings may be videotaped so that drivers who are unable to attend a particular meeting may view the program at another time.
- (5) Newly hired drivers shall be required to attend only those meetings held following their employment.

(d) Records retention.

- (1) The transportation supervisor shall be responsible for maintenance and repair records for all school buses, activity buses, and school passenger vehicles used for student transportation, except short-term leased vehicles, that are either owned or leased and are operated by the school district. These records shall include information on scheduled maintenance, lubrication records, repair orders, and other maintenance.
- (2) The maintenance record for each vehicle shall be kept as long as the school owns or leases the vehicle, and for at least two years following disposition of the vehicle.
- (3) Maintenance records shall be available for inspection by the Kansas highway patrol, other law enforcement agencies, and Kansas state department of education officials.

(e) Each school district that contracts for bus transportation services shall ensure that each contract for those services includes a provision requiring the contractor to meet the requirements of subsections (c) and (d) of this regulation.

- (f) Students with special needs. Each board shall notify the transportation supervisor of any student with special health care concerns or special needs for transportation. The supervisor shall ensure that drivers, substitute drivers, and attendants are informed of these needs and receive any training that is necessary to safely transport the student or to accommodate the student's special needs.

(Authorized by and implementing K.S.A. 8-2009; effective July 1, 2000; amended March 28, 2003.)

91-38-4. COMPLIANCE WITH CHASSIS AND BODY CONSTRUCTION STANDARDS.

- (a) Except as otherwise provided in subsection (c) of this regulation, a governing body shall not allow students to be transported on any school bus acquired or leased after the effective date of this regulation until the governing body has on file a verified statement, as prescribed by the state board, from the seller or lessor of the school bus attesting that the school bus meets the following requirements:
 - (1) The school bus chassis and body construction standards promulgated by the United States department of transportation that apply to the particular bus; and
 - (2) the bus chassis and body construction standards, including standards for specially equipped school buses, if applicable, prescribed in the national standards for school transportation.
- (b) A governing body shall not alter, change, or otherwise modify any school bus used to transport students in any manner that results in nullification of the statement required in subsection (a) of this regulation or that results in the failure of the school bus to comply with standards applicable to it under K.S.A. 1998 Supp. 8-2009a and amendments thereto.
- (c) If a governing body is acquiring a school bus from another governing body, the governing body acquiring the school bus shall obtain the following statements from the governing body that is disposing of the school bus:
 - (1) The verified statement obtained by the governing body under subsection (a) of this regulation; and

- (2) a verified statement from the governing body that is disposing of the school bus attesting to the fact that the governing body has not altered, changed, or otherwise modified the school bus in any manner that results in nullification of the statement required in subsection (a) of this regulation or that results in the failure of the school bus to comply with the standards applicable to it under K.S.A. 1998 Supp. 8-2009a and amendments thereto.

This regulation shall be effective on and after July 1, 2000. (Authorized by K.S.A. 1998 Supp. 8-2009; implementing K.S.A. 1998 Supp. 8-2009, 8-2009a; effective July 1, 2000.)

91-38-5. ANNUAL INSPECTION OF SCHOOL VEHICLES.

- (a)
 - (1) Each governing body that either owns or leases and that operates any school bus or activity bus shall have each of those buses inspected annually in accordance with this regulation.
 - (2) Each person or entity that contracts with any governing body to provide bus transportation services to students shall have each school bus or activity bus used to transport students inspected annually in accordance with this regulation.
 - (3) Except for new buses, which shall be inspected upon delivery and before being used to transport students, the inspection process shall be conducted between June 1 and September 30. No school bus or activity bus shall be used to transport students until the inspection process has been completed and the bus is in proper working order.
- (b)
 - (1) Each governing body and each bus transportation contractor shall have each school bus and each activity bus that is operated by the governing body or the contractor inspected by a mechanic who is knowledgeable about the mechanical systems of school buses. In addition, each governing body shall have each school passenger vehicle that is used to transport students inspected annually by a mechanic. The mechanic shall inspect each bus and each school passenger vehicle to determine whether the mechanical system is in proper working order.
 - (2) Each mechanic shall indicate the results of the inspection on the form provided by the state department of education and shall return the form to the governing body or bus transportation contractor.
- (c)
 - (1) After the inspection prescribed in subsection (b) is completed, each school vehicle shall be inspected by the Kansas highway patrol to determine whether the school vehicle is equipped with the appropriate safety devices and those devices are in proper working order.

- (2) The results of the inspection shall be indicated by the highway patrol officer on the form provided by the state department of education. Following completion of this form, it shall be returned to the governing body or bus transportation contractor.
- (d) (1) Upon successful completion of the inspection process specified in subsections (b) and (c), a school vehicle inspection sticker issued by the Kansas highway patrol shall be placed on the school vehicle's windshield in a location that will not impair the driver's vision
- (e) (1) If any school vehicle fails either the mechanical or safety inspection specified in this regulation, that school vehicle shall not be used for student transportation until all defects have been corrected and school vehicle has been approved.

(2) If repairs or other corrections are required for a school vehicle to pass the inspection and these repairs or corrections are completed within 10 days after the initial inspection, then only the defective items shall be re-examined. If repairs or corrections are not made within 10 days following the initial inspection, the school vehicle shall be completely reinspected.
- (f) (1) At any time, spot inspections of any school vehicle used for student transportation may be conducted by the Kansas highway patrol.
- (g) (2) Each school bus activity bus, and school passenger vehicle that is purchased at any time following the required annual inspection for school vehicles shall pass the inspections required by this regulation before being used to transport students. (Authorized by and implementing K.S.A. 8-2009; effective July 1, 2000; amended March 28, 2003.)

91-38-6. SCHOOL TRANSPORTATION DRIVER QUALIFICATIONS.

- (a) Driver's licensing and age requirements. Each person employed by a school district or by a school bus contractor who, at any time, will provide student transportation, shall be licensed in accordance with K.S.A. 8-234b and amendments thereto, or the appropriate licensing statutes of the person's state of residence. Each person also shall meet the requirements listed below:
 - (1) Each driver of a school bus or activity bus with a gross weight of over 26,000 pounds shall maintain a commercial class A or B driver's license, with passenger endorsement.

- (2) Each driver of a school bus or activity bus that has a gross weight of 26,000 pounds or less, and designed for transporting 16 passengers or more, shall maintain a commercial class A, B, or C driver's license, with passenger endorsement.
- (3) Each driver of a school passenger vehicle or a school bus or activity bus that has a weight of 26,000 pounds or less, is designed to transport fewer than 16 passengers, shall maintain an appropriate noncommercial operator's license.
- (4) Each driver's license shall be valid within the driver's state of residence.
- (5) Each driver of an activity bus shall be 21 years of age or older.

(b) Criminal and driving records.

- (1) Each prospective school transportation provider or other school employee who may transport students shall be required to sign a statement indicating whether that individual has been convicted within the past 10 years in any state or federal court of any felony involving another person or any crime involving a child. A person who has been convicted of such a crime within the past 10 years shall not be employed, re-employed, or retained as an employee to provide student transportation.
- (2) Each prospective driver shall be required to sign a statement indicating whether within the past 10 years, that individual has been convicted in any state of any major traffic violations indicated in subsection (c) of this regulation.
- (3) For purposes of this regulation, a conviction means entering a plea of guilty or nolo contendere, a finding of guilty by a court or jury, or forfeiture of bond.
- (4) Each prospective school transportation provider shall give written authorization to the prospective employer to obtain the applicant's driving record through a local law enforcement agency or the Kansas department of revenue, division of vehicles, in accordance with K.S.A. 74-2012 and amendments thereto. The authorization also shall allow the prospective employer to obtain the applicant's driving record in states other than Kansas through a local law enforcement agency or the appropriate agency of the other state.

(c) Disqualification from employment.

- (1) Except as otherwise provided in paragraph (2) of this subsection, a governing body shall not employ or retain to transport students, any person who discloses or whose driving record indicates that, within the past 10 years, the person has been convicted of any of the following major traffic violations:
 - (A) Hit-and-run driving;

- (B) driving while under the influence of alcohol or drugs;
 - (C) vehicular homicide;
 - (D) reckless driving; or
 - (E) any offense for which the driver's license was suspended or revoked pursuant to K.S.A. 8-254 and 8-255 and amendments thereto.
- (2) A governing body may waive the disqualification for employment by a unanimous vote of the full membership of the governing body.
- (d) Driver experience and training requirements.
- (1) Each driver who operates a school vehicle to transport students shall have at least one year's experience in operating a motor vehicle.
 - (2)
 - (A) School bus drivers shall be provided a minimum of 12 hours of bus driver training. The first six hours of training shall be completed without student passengers, but the remaining hours may be completed with student passengers, if the driver-trainer is on the bus. All driver training shall be supervised by the assigned driver-trainer.
 - (B) Except as otherwise provided in paragraph (2) (C) of this subsection, each school transportation provider shall complete a first aid and cardiopulmonary resuscitation (CPR) course, approved by the state department of education, before the first day the driver is allowed to transport students. Each driver completing any training session shall obtain a wallet card or other certificate attesting to that individual's completion of the training program.
 - (C) A school transportation provider who is certified as an emergency medical service provider shall not be required to complete first aid and CPR training, if the emergency medical certification is maintained in valid status. As used in this paragraph, "emergency medical service provider" means first responder, emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, or mobile intensive care technician.
- (e) (1) Each school transportation provider shall successfully complete a vehicle accident prevention course approved by the state department of education, before the first day the driver transports students. The driver shall obtain a completion certificate or wallet card as evidence that the course requirements have been met.

- (2) After completion of the initial accident prevention course, each driver shall be required to maintain certification by either of the following:
- (A) Completion of an accident prevention course at least every three years; or
 - (B) annual attendance at a workshop provided for school transportation personnel by the state department of education.
- (3) The transportation supervisor shall maintain documentation of driver training for school transportation providers for the duration of the driver's employment, and a minimum of two years thereafter.
- (f) Substitute and emergency school transportation providers.
- (1) Substitute school transportation providers shall meet the requirements in this regulation, but they may be allowed up to 30 days following employment to complete the first aid, CPR, and accident prevention course training requirements.
 - (2) Any person who holds a valid commercial driver's license may operate a school bus in an emergency situation. For purposes of this paragraph, an "emergency situation" means a situation in which no qualified driver or substitute driver is available.

A specific driver shall not drive as an emergency driver for more than five days during a school year.

(g) Physical examination and health requirements.

- (1) The physical qualification requirements for school transportation providers in Kansas shall be those in 49 C.F.R. 391.41, as in effect on October 1, 2001, which is adopted by reference. The physical examination form that is prescribed by the federal highway administration, office of motor carriers, and that is available from the state department of education shall be utilized to document the results of each examination.
- (2) The physical examination shall be certified by a person licensed to practice medicine and surgery, and shall be required according to the following schedule:
 - (A) Before beginning employment as a school transportation provider;
 - (B) at least every two years after the date of the initial physical examination; and
 - (C) at any time requested by the driver's employer, the school transportation supervisor, or the state department of education.

*http://www.ksbe.state.ks.us/
School bus/forms.htm/
OSW new new
physicians in bus school bus*

- (3) A properly certified physical examination report required under this subsection shall constitute the certification of health required by K.S.A. 72-5213 and amendments thereto.
 - (4) Each governing body shall keep on file a current physical examination report for each school transportation provider. If a provider leaves employment for any reason, the person's last physical examination report shall be kept for two years after the person leaves.
- (h) Waiver of physical requirements.
- (1) (A) Any person failing to meet the requirements of subsection (g) may be permitted to be a school transportation provider for a particular school district, if a waiver is granted by the governing board of that school district under this subsection. Each waiver shall meet the following requirements:
 - (i) The person seeking the waiver, the transportation supervisor for the school district, and the contract manager, if applicable, shall submit a joint application for a waiver to the local board of education.
 - (ii) Each application shall be accompanied by reports from two physicians, licensed to practice medicine and surgery, indicating their opinions regarding the person's ability to safely operate a school bus.
 - (iii) The application shall contain a description of the type and size of the vehicle to be driven and any special equipment required to accommodate the driver to safely operate the vehicle, the general area and type of roads to be traveled, distances and time period contemplated, and the experience of the person in driving vehicles of the type to be driven.
 - (B) An application for a waiver shall be granted only by unanimous approval of the governing board.
- (2) Restrictions of the waiver as approved by the governing body.
 - (A) A waiver as described in paragraph (1) of this subsection shall not be granted for a period longer than two years, but may be renewed by following the procedures in paragraph (1) of this subsection.
 - (B) While on duty, the driver shall keep in the driver's possession the original document granting the waiver or a legible copy of it.

- (C) Each governing body shall retain the original document granting the waiver or a legible copy of the waiver in the driver's personnel file for as long as the driver is employed and for a period of at least than two years following termination of the driver's employment.
- (D) A waiver may be revoked, for cause, by the governing body. Before revocation, the governing body shall perform the following:
 - (i) Suspend the driver from service;
 - (ii) provide notice of the proposed revocation to the driver, including the reason or reasons for the proposed revocation; and
 - (iii) allow the driver a reasonable opportunity to show cause, if any, why the revocation should not occur.
- (i) Alcohol and drug testing requirements. Each governing body may develop a policy to include all drivers of any school motor vehicles in the alcohol and drug testing program required for drivers holding commercial driver's licenses. (Authorized by and implementing K.S.A. 8-2009; effective July 1, 2000; amended March 28, 2003.)

91-38-7. DRIVER'S DUTIES AND RESPONSIBILITIES.

- (a) Each school transportation provider shall inspect a school vehicle before its use to ascertain that the vehicle is in a safe condition and equipped as required by law, and that all required equipment is in working order. The school transportation provider shall document each inspection.
- (b) If any defect is discovered, students shall not be transported in the vehicle until the defect is corrected.
- (c) Documentation of the inspections of each school vehicle shall be kept on file for a minimum of one year following the vehicle inspection.
- (d) A school transportation provider shall not drive a school vehicle for more than 10 consecutive hours or for more than a total of 10 hours in any 15-hour period.
- (e) Each school transportation provider shall ensure that all doors are closed before the vehicle is put into motion and remain closed while the vehicle is moving.

- (f) Each school transportation provider shall ensure that openings for the service door, emergency exits, and aisles are kept clear of any obstructions.
- (g) Each school transportation provider shall utilize the driver's safety belt at all times while the vehicle is in motion.
- (h) If the school transportation provider leaves the driver's seat, the parking brake shall be set, the motor turned off, and the keys removed. However, drivers of specially equipped buses may leave the motor running to operate a power lift after setting the parking brake.
- (i) If a school vehicle is refueled during any trip when passengers are being transported, the school transportation provider shall unload all passengers from the vehicle and turn off the vehicle's motor before beginning refueling procedures. Fuel shall not be transported in any manner, except in the vehicle's fuel tank.
- (j) Following the completion of any trip, each school transportation provider shall perform a walk-through inspection of the school bus or activity bus, or a visual check of a school passenger vehicle, that the provider was driving to ensure that all passengers have disembarked.
- (k) A driver of a school bus or activity bus shall not tow any trailer or other vehicle with the bus, while any passenger is on the bus. (Authorized by and implementing K.S.A. 8-2009; effective July 1, 2000 amended March 28, 2003.)

91-38-8. LOADING AND UNLOADING PROCEDURES.

- (a) On routes.
 - (1) Each school bus driver shall activate the alternately flashing warning lights as required by K.S.A. 8-1556 and amendments thereto, at any time that the loading or unloading of students occurs on the traveled portion of any roadway.
 - (2) Each governing body shall adopt procedures for the loading and unloading of students, consistent with the requirements of this article. The procedures shall include the following:
 - (A) Each school bus driver shall load and unload students off the roadway whenever adequate space is provided, unless parking the bus off the roadway would threaten the safety or stability of the bus or safety of the students.

- (B) Each school bus driver shall direct students who cross the roadway when loading or unloading from a school bus to cross only in front of the bus. The driver shall ensure that all traffic has stopped and shall instruct students to wait for a signal from the driver before crossing the roadway.
- (C) Students shall not be required to cross any divided highway, as defined in K.S.A. 8-1414 and amendments thereto, in order to board the bus or to reach the students' destination upon unloading from the bus.
- (D) When the loading or unloading of students takes place on a roadway, the bus shall stop in the far right-hand lane of the roadway.
- (E) Each driver shall ensure that all students who have unloaded from the bus have moved a safe distance away from the bus before the driver moves the bus.

(b) At school.

- (1) Whenever possible, each governing body shall provide bus parking so that the loading or unloading of students is conducted in an area away from vehicular traffic and off the roadway.
- (2) Before each school's dismissal time, and where adequate space is available, the bus drivers shall park the buses in single file.
- (3) If the loading or unloading of students is conducted on the traveled portion of a roadway, each bus driver shall park the bus on the side of the roadway nearest to the school, with the entry door opening away from the traveled portion of the roadway. Buses shall be parked adjacent to curbing, if present. If there is no curbing, the buses shall be parked as far to the right of the roadway as possible without threatening the stability of the bus.
- (4) Each board shall ensure that there is adult supervision during loading and unloading procedures at each school building, except at buildings utilized exclusively for senior high school students.

- (c) On activity trips.
 - (1) Whenever possible, each bus driver shall park the bus so that the loading or unloading of students takes place in an area away from other vehicular traffic.
 - (2) The transportation supervisor shall designate, in advance, stops for the loading and unloading of buses along each activity trip route.
- (d) In school passenger vehicles. Each driver of a school passenger vehicle shall park the vehicle in a location so that students are loaded or unloaded in an area off the roadway.

This regulation shall be effective on and after July 1, 2000. (Authorized by K.S.A. 1998 Supp. 8-2009; implementing K.S.A. 1998 Supp. 8-1556, 8-2009; effective July 1, 2000.)

91-38-9. EMERGENCY PROCEDURES.

- (a) Each governing body shall adopt procedures to be followed by school transportation providers if confronted with an emergency situation when on the road.
- (b) Each governing body shall ensure that students who are regularly transported to and from school in a school bus receive instruction, at least once each semester, about practices and procedures to follow if an emergency occurs while being transported.
- (c) Each governing body shall ensure that emergency evacuation drills are conducted at least once each semester. Each emergency evacuation drill shall be supervised by the transportation supervisor or the supervisor's designee.
- (d) The transportation supervisor shall prepare documentation of each emergency evacuation drill, including the date of the drill, number of student participants, and the names of the supervising personnel. This documentation shall be kept on file for at least two years from the date of the drill.
- (e) Before each activity trip, the driver shall provide an explanation of the location and operation of the emergency exits of the bus.

This regulation shall be effective on and after July 1, 2000. (Authorized by and implementing K.S.A. 1998 Supp. 8-2009; effective July 1, 2000.)

91-38-10. USE OF URBAN MASS TRANSPORTATION BUSES.

- (a) A governing body may contract with the operator of a mass transportation system to provide school transportation for its students. Any contract for this transportation shall include the information specified below in subsection (b).
- (b) The operator shall keep and provide the following information to the governing body, upon request:
 - (1) Documentation of vehicle lubrication, maintenance, and repair as set forth in K.A.R. 91-38-3(d);
 - (2) documentation that any vehicle used to transport students contains the emergency equipment required in K.A.R. 91-38-2(e); and
 - (3) documentation that each driver used to provide student transportation meets the qualification set forth in K.A.R. 91-38-6.

This regulation shall be effective on and after July 1, 2000. (Authorized by and implementing K.S.A. 1998 Supp. 8-2009; effective July 1, 2000.)

36-26-1. RAILROAD GRADE CROSSINGS; STOPPING REQUIRED.

(a) K.S.A. 8-1553 requires that the drivers of certain types of motor vehicles, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals including active flashing light signals with or without gates or bells indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required and upon proceeding when it is safe to do so, the driver of any vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossing and the driver shall not manually shift gears while crossing the track or tracks. Following are the types of vehicles for which this regulation applies:

- (1) Every school or commercial bus;
- (2) every motor vehicle transporting any quantity of chlorine;
- (3) every motor vehicle which, in accordance with the regulations of the department of transportation, is required to be marked or placarded with one of the following markings:
 - (A) Explosives A;
 - (B) Explosives B;
 - (C) Poison Gas;
 - (D) Flammable solid W;
 - (E) Radioactive;
 - (F) Flammable;
 - (G) Blasting agent;
 - (H) Nonflammable gas;
 - (I) Chlorine;
 - (J) Poison;
 - (K) Oxygen;
 - (L) Flammable gas;
 - (M) Combustible;
 - (N) Flammable solid;
 - (O) Oxidizer;
 - (P) Organic peroxide;
 - (Q) Corrosive; or
 - (R) Dangerous;
- (4) every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any hazardous material as defined in 49 C.F.R. 170-189;

- (5) every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flashpoint as determined by 49 C.F.R. 173.115;
 - (6) every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under an exemption issued in accordance with 49 C.F.R. 107.101-107.123.
- (b) Exceptions to the requirement for vehicles to stop at every railroad grade crossing shall be:
- (1) Any railroad grade crossing at which traffic is controlled by a police officer or human flagman;
 - (2) any railroad grade crossing controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits the vehicle to proceed across the railroad tracks without slowing or stopping;
 - (3) any railroad grade crossing which has been abandoned or its use discontinued with track or tracks still in place with a sign reading "**TRACKS OUT OF SERVICE**";
 - (4) any industrial or spur line railroad grade crossing marked with a sign reading "**EXEMPT.**" Such exempt signs shall be erected only by or with the consent of the appropriate state or local authority;
 - (5) a railroad grade crossing used exclusively for industrial switching purposes, within a business district defined in K.S.A. 8-1407, and amendments, thereto. This type of crossing shall also, as in the previous section (d), be marked with a sign reading "**EXEMPT.**" (effective 8-13-90)

BUS CHASSIS STANDARDS

AIR CLEANER

- A. A dry element type air cleaner shall be provided.
- B. All diesel engine air filters shall include a latch-type restriction indicator that retains the maximum restriction developed during operation of the engine. The indicator should include a reset control so the indicator can be returned to zero when desired.

AXLES

The front and rear axle and suspension systems shall have a gross axle weight rating (GVWR) at ground commensurate with the respective front and rear weight loads that will be imposed by the bus.

BRAKES: GENERAL

- A. The chassis brake system shall conform to the provisions of FMVSS No. 105, No. 106 and No. 121 as applicable.
- B. The anti-lock brake system (ABS), provided in accordance with FMVSS No. 105 or No. 121, shall provide wheel speed sensors for each front wheel and for each wheel on at least one rear axle. The system shall provide anti-lock braking performance for each wheel equipped with sensors. (Four Channel System.)
- C. All brake systems shall be designed to permit visual inspection of brake lining wear without removal of any chassis component(s).
- D. The brake lines, booster-assist lines, and control cables shall be protected from excessive heat, vibration and corrosion and installed in a manner which prevents chafing.
- E. The parking brake system for either air or hydraulic service brake systems may be of a power assisted design. The power parking brake actuator should be a push-pull device located on the instrument panel within seated reach of a 5th percentile female driver. As an option, the parking brake may be set by placing the automatic transmission shift control mechanism in the "park" position.

- F. The power-operated parking brake system may be interlocked to the engine key switch. Once the parking brake has been set and the ignition switch turned to the "off" position, the parking brake cannot be released until the key switch is turned back to the "on" position.

BRAKES: HYDRAULIC

Buses using a hydraulic-assist brake shall be equipped with audible and visible warning signals that provide a continuous warning to the driver of a loss of fluid flow from the primary source and of a failure of the back-up pump system.

BRAKES: AIR

- A. The air pressure supply system shall include a desiccant-type air dryer installed according to the manufacturers' recommendations. The air pressure storage tank system may incorporate an automatic drain valve.
- B. The Chassis manufacturer should provide an accessory outlet for air operated systems installed by the body manufacturer. This outlet shall include a pressure protection valve.
- C. For air brake systems, an air pressure gauge shall be provided in the instrument panel capable of complying with CDL pre-trip inspection requirements.
- D. All air brake-equipped buses may be equipped with a service brake interlock. The parking brake cannot be released until the brake pedal is depressed.
- E. Air brake systems may include a system for anti-compounding of the service brakes and parking brakes.
- F. Air brakes shall have both a visible and audible warning device whenever the air pressure falls below the level where warnings are required under FMVSS No. 121.

BUMPER: FRONT

- A. School buses shall be equipped with a front bumper. The front bumper shall be furnished by the chassis manufacturer for all school bus types by the chassis manufacturer unless there is a specific agreement between the chassis manufacturer and body manufacturer.

- B. The front bumper shall be of pressed steel channel or equivalent material (except Type A buses having a GVWR of 14,500 pounds or less which may be OEM supplied) at least 3/16" thick and not less than 8" wide (high). It shall extend beyond forward-most part of the body, grille, hood, and fenders and shall extend to the outer edges of the fenders at the bumper's top line.
- C. The front bumper, except breakaway bumper ends, shall be of sufficient strength to permit pushing a vehicle of equal gross vehicle weight without permanent distortion to the bumper, chassis or body.
- D. Tow eyes or hooks shall be furnished and attached so they do not project beyond the front bumper. Tow eyes or hooks attached to the frame chassis shall be furnished by the chassis manufacturer. This installation shall be in accordance with the chassis manufacturer's specifications. **NOTE:** Rear tow eyes are addressed in the Bus Body Specifications under Towing Attachment points.
- E. The bumper shall be designed or reinforced so that it will not deform when the bus is lifted by a chain that is passed under the bumper (or through the bumper if holes are provided for this purpose) and attached to both tow eyes. For the purpose of meeting this specifications, the bus shall be empty and positioned on a level, hard surface and both tow eyes shall share the load equally.

CERTIFICATION

The chassis manufacturer, upon request of the state agency having pupil transportation jurisdiction, shall certify that its product meets the state's minimum standards on items not covered by the FMVSS certification requirements of 49 CFR, Part 567.

CLUTCH

- A. Clutch torque capacity shall be equal to or greater than the engine torque output.
- B. A starter interlock shall be installed to prevent actuation of the starter if the clutch pedal is not depressed.

COLOR

- A. The chassis, including wheels and front bumper, shall be black. Body cowl, hood, and fenders shall be in National School Bus Yellow (NSBY.) The flat top surface of the hood may be non-reflective black or NSBY. (See Appendix B.)
- B. Demountable rims, if used, may be silver, gray, white, yellow or black as received from the wheel manufacturer.

DRIVE SHAFT

The drive shaft shall be protected by a metal guard or guards around the circumference of the drive shaft to reduce the possibility of its whipping through the floor or dropping to the ground, if broken.

ELECTRICAL SYSTEM

A. Battery

- 1. The storage batteries shall have minimum cold cranking capacity rating (cold cranking amps) equal to the cranking current required for 30 seconds at 0 degrees Fahrenheit and a minimum reserve capacity rating of 120 minutes at 25 amps. Higher capacities may be required, depending upon optional equipment and local environmental conditions.
- 2. Since all batteries are to be secured in a sliding tray in the body, chassis manufacturers shall mount the battery temporarily on the chassis frame, except that van conversion or cutaway front-section chassis may be secured in accordance with the manufacturer's standard configuration. In these cases, the final location of the battery and the appropriate cable lengths shall be agreed upon mutually by the chassis and body manufacturer. However, in all cases the battery cable provided with the chassis shall have sufficient length to allow some slack.

B. Alternator

- 1. All Type A-2 and Type B buses with a GVWR of 15,000 lbs or less shall have a minimum ampere alternator.
- 2. Type A-2 and Type B buses over 15,000 lbs GVWR and all Type C and Type D buses shall be equipped with a heavy-duty truck or bus-type alternator meeting SAE J 180, having a minimum output rating of 100 amperes or higher, and should produce a minimum current output of 50 percent of the rating at engine idle speed.

3. Buses equipped with an electrically powered wheelchair lift, air conditioning or other accessories may be equipped with a device that monitors the electrical system voltage and advances the engine idle speed with the voltage drops to, or below, a pre-set level.
4. A belt alternator drive shall be capable of handling the rated capacity of the alternator with no detrimental effect on any other driven components. (See SBMTC; "School Bus Technical Reference," for estimating required alternator capacity.)
5. A direct drive alternator is permissible in lieu of a belt driven alternator.

C. Wiring

1. All wiring shall conform to current applicable recommended practices of the Society of Automotive Engineers (SAE).

All wiring shall use color and at least one other method of identification. The other method shall be either a number code or name code, and each chassis shall be delivered with a wiring diagram that illustrates the wiring of the chassis.

2. The chassis manufacturer shall install a readily accessible terminal strip or plug on the body side of the cowl or in an accessible location in the engine compartment of vehicles designed without a cowl. The strip or plug shall contain the following terminals for the body connections:
 - a. Main 100 amp body circuit;
 - b. Tail lamps;
 - c. Right turn signal;
 - d. Left turn signal;
 - e. Stop lamps;
 - f. Back-up lamps; and
 - g. Instrument panel lights (rheostat controlled by headlamp switch).

D. Circuits

1. An appropriate identifying diagram (color plus a name or number code) for all chassis electrical circuits shall be provided to the body manufacturer for distribution to the end user.
2. The headlight system must be wired separately from the body-controlled solenoid.

E. Daytime Running Lamps (DRL)

A Daytime Running Lamps system meeting chassis manufacturer's specifications may be provided. Additional features may be specified by states, as needed.

ENGINE FIRE EXTINGUISHER

The chassis manufacturer may provide an automatic fire extinguisher system in the engine compartment.

EXHAUST SYSTEM

- A. The exhaust pipe, muffler and tailpipe shall be outside the bus body compartment and attached to the chassis so as not to damage any other chassis component.
- B. The tailpipe shall be constructed of a corrosion-resistant tubing material at least equal in strength and durability to 16-gauge steel tubing of equal diameter.
- C. Chassis manufacturers shall furnish an exhaust system with a tailpipe of sufficient length to exit the rear of the bus or at the left side of the bus body no more than 18 inches forward of the front edge of the rear wheel house opening. If designed to exit at the rear of the bus, the tailpipe shall extend at least five inches beyond the end of the chassis frame. If designed to exit to the side of the bus, the tailpipe shall extend at least 48.5 inches (51.5 inches if the body is to be 102 inches wide) outboard from the chassis centerline.
 1. On Types C and D vehicles, the tailpipe shall not exit beneath a fuel fill or emergency door exit.
 2. Types A and B chassis may be furnished with the manufacturer's standard tailpipe configuration. (Note: see also Bus Body Standards: TAILPIPE.)

- D. The exhaust system on a chassis shall be adequately insulated from the fuel system.
- E. The muffler shall be constructed of corrosion-resistant material.
- F. The exhaust system on the chassis may be routed to the left of the right frame rail to allow or the installation of a power lift unit on the right side of the vehicle.

FENDERS: FRONT-TYPE C VEHICLES

- A. Total spread of outer edges of front fenders, measured at fender line, shall exceed the total spread of front tires when front wheels are in a straight-ahead position.
- B. Front fenders shall be properly braced and shall not require attachment to any part of the body.

FRAME

- A. The frame (or equivalent) shall be of such design and strength characteristics as to correspond at least to standard practices for trucks of the same general load characteristics which are used for highway service.
- B. Any secondary manufacturer that modifies the original chassis frame shall guarantee the performance of workmanship and materials resulting from such modification.
- C. Frames shall not be modified for the purpose of extending the wheel base.
- D. Holes in top or bottom flanges or side units of the frame, and welding to the frame, shall not be permitted except as provided or accepted by chassis manufacturer.
- E. Frame lengths shall be established in accordance with the design criteria for the complete vehicle.

FUEL TANK

- A. Fuel tank (or tanks) having a minimum 30-gallon capacity shall be provided by the chassis manufacturer. The tank shall be filled and vented to the outside of the body and the fuel filler should be placed in a location where accidental fuel spillage will not drip or drain on any part of the exhaust system.

- B. Fuel lines shall be mounted to the chassis frame in such a manner that the frame provides the maximum possible protections from damage.
- C. The fuel system shall comply with FMVSS No. 301.
- D. Fuel tank(s) may be mounted between the chassis frame rails or outboard of the frame rails on either the left or right side of the vehicle.
- E. The actual draw capacity of each fuel tank shall be a minimum of 83 percent of the tank capacity.
- F. Installation of alternative fuel systems, including fuel tanks and piping from tank to the engine, shall comply with all applicable fire codes in effect on the date of manufacture of the bus. Installation of LPG tanks shall comply with National Fire Protection Association (NFPA) 58.

GOVERNOR

When the engine is remotely located from the driver, the governor shall be set to limit engine speed to maximum revolutions per minute as recommended by the engine manufacturer, and a tachometer shall be installed so the engine speed may be known to the driver while seated in a normal driving position.

HEATING SYSTEM, PROVISION FOR

The chassis engine shall have plugged openings for the purpose of supplying hot water for the bus heating system. The openings shall be suitable for attaching 3/4 inch pipe thread/hose connectors. The engine shall be capable of supplying coolant at a temperature of at least 170 degrees Fahrenheit at the engine cooling thermostat opening temperature. The coolant flow rate shall be 50 pounds per minute at the return end of 30 feet of one-inch inside diameter automotive hot water heater hose. (See SBMT C-001.)

HORN

The bus shall be equipped with a horn(s) of standard make with each horn capable of producing a complex sound in bands of audio frequencies between 250 and 2,000 cycles per second and tested in accordance with SAE J-377.

INSTRUMENTS AND INSTRUMENT PANEL

- A. The chassis shall be equipped with the instruments and gauges listed below. (Telltale Warning lamps in lieu of gauges are not acceptable, except as noted.)
1. Speedometer;
 2. Odometer which will give accrued mileage (to seven digits), including tenths of miles;
 3. Voltmeter;
(An ammeter with graduated charge and discharge indications is permitted in lieu of a voltmeter; however, when used, the ammeter wiring must be compatible with the current flow of the system.)
 4. Oil pressure gauge;
 5. Water temperature gauge;
 6. Fuel gauge;
 7. Upper beam headlamp indicator;
 8. Brake indicator gauge (vacuum or air);

(A telltale warning lamp indicator in lieu of a gauge is permitted on a vehicle equipped with a hydraulic-over-hydraulic brake system.)
 9. Turn signal indicator; and
 10. Glow-plug indicator light where appropriate.
- B. All instruments shall be easily accessible for maintenance and repair.
- C. The instruments and gauges shall be mounted on the instrument panel so that each is clearly visible to the driver while seated in a normal driving position.
- D. The instrument panel shall have lamps of sufficient candlepower to illuminate all instruments, gauges and shift selector indicator for the automatic transmission.
- E. Multi-function gauge (MFG) 1. The driver must be able to manually select any displayable function of the gauge on a MFG whenever desired.

2. Whenever an out-of-limits condition that would be displayed on one or more functions of a MFG occurs, the MFG controller should automatically display this condition on the instrument cluster. This should be in the form of an illuminated telltale warning lamp as well as having the MFG automatically display the out-of-limits indications. Should two or more functions displayed on the MFG go out of limits simultaneously, then the MFG should sequence automatically between those functions continuously until the condition(s) are corrected.
3. The use of a MFG does not relieve the need for audible warning devices, where required.

OIL FILTER

An oil filter with a replaceable element shall be provided and connected by flexible oil lines if it is not a built-in or an engine-mounted design. The oil filter shall have a capacity of at least one (1) quart.

OPENINGS

All openings in the floorboard or firewall between chassis and the passenger compartment (e.g., for gearshift selector and parking brakes lever) shall be sealed.

PASSENGER LOAD

- A. Actual gross vehicle weight (GVW) is the sum of the chassis weight plus the body weight, plus the driver's weight, plus total seated pupil weight. For purposes of calculation, the driver's weight is 150 pounds and the pupil weight is 120 pounds per pupil.
- B. Actual GVW shall not exceed the chassis manufacturer's GVWR for the chassis, nor shall the actual weight carried on any axle exceed the chassis manufacturer's Gross Axle Weight Rating (GAWR.)
- C. The manufacturer's GVWR for a particular school bus shall be furnished by manufacturers in duplicate (unless more copies are requested) to the state agency having pupil transportation jurisdiction. The state agency shall, in turn, transmit such ratings to other state agencies responsible for development or enforcement of state standards for school buses.

POWER AND GRADE ABILITY

GVWR shall not exceed 185 pounds per published net horsepower of the engine at the manufacturer's recommended maximum number of revolutions per minute.

RETARDER SYSTEM (OPTIONAL EQUIPMENT)

A retarder system, if used, shall maintain the speed of a fully loaded school bus at 19.0 mph on a seven percent grade for 3.6 miles.

ROAD SPEED CONTROL

When it is desired to accurately control vehicle maximum speed, a vehicle speed limiter may be utilized.

SHOCK ABSORBERS

The bus shall be equipped with double-action shock absorbers compatible with manufacturer's rated axle capacity at each wheel location.

STEERING GEAR

- A. The steering gear shall be approved by the chassis manufacturer and designed to ensure safe and accurate performance when the vehicle is operated with maximum load and at maximum speed.
- B. If external adjustments are required, steering mechanism shall be accessible to make adjustments.
- C. No changes shall be made in the steering apparatus which are not approved by the chassis manufacturer.
- D. There shall be a clearance of at least two inches between the steering wheel and cowl, instrument panel, windshield, or any other surface.
- E. Power steering is required and shall be of the integral type with integral valves.
- F. The steering system shall be designed to provide a means for lubrication of all wear-points, which are not permanently lubricated.

SUSPENSION SYSTEMS

- A. The capacity of springs or suspension assemblies shall be commensurate with the chassis manufacturer's GVWR .
- B. Rear leaf rear springs shall be of a progressive rate or multi-stage design. Front leaf springs shall have a stationary eye at one end and shall be protected by a wrapped leaf, in addition to the main leaf.

THROTTLE

The force required to operate the throttle shall not exceed 16 pounds throughout the full range of accelerator pedal travel.

TIRES AND RIMS

- A. Rims of the proper size and tires of the proper size and load rating commensurate with the chassis manufacturer's gross vehicle weight rating shall be provided. The use of multi-piece rims and/or tube-type tires shall not be permitted on any school bus ordered after December 31, 1995.
- B. Dual rear tires shall be provided on Type A-2, Type B, Type C and Type D school buses.
- C. All tires on a vehicle shall be of the same size, and the load range of the tires shall meet or exceed the GVWR, as required by FMVSS No. 120.
- D. If the vehicle is equipped with a spare tire and rim assembly, it shall be the same size as those mounted on the vehicle.
- E. If a tire carrier is required, it shall be suitably mounted in an accessible location outside the passenger compartment.

TRANSMISSION

- A. Automatic transmissions shall have no fewer than three forward speeds and one reverse speed. Mechanical shift selectors shall provide a detent between each gear position when the gear selector quadrant and shift selector are not steering-column mounted.
- B. In manual transmissions, second gear and higher shall be synchronized, except when incompatible with engine power. A minimum of three forward speeds and one reverse speed shall be provided.
- C. An electronic control, or similar device, may be installed to ensure that automatic transmissions cannot accidentally be moved out of the "neutral" or "park" gear position while the driver is not seated in the driver's seat.

TURNING RADIUS

- A. A chassis with a wheelbase of 264 inches or less shall have a right and left turning radius of not more than 42 1/2 feet, curb-to-curb measurement.
- B. A chassis with a wheelbase of 265 inches or more shall have a right and left turning radius of not more than 44 1/2 feet, curb-to-curb measurement.

UNDERCOATING

The chassis manufacturers, or their agents, shall coat the undersides of steel or metallic-constructed front fenders with a rust-proofing compound, for which the compound manufacturer has issued notarized certification of compliance to chassis builder that the compound meets or exceeds all performance and qualitative requirements of paragraph 3.4 of Federal Specification TT-C-520B, using modified tests.

BUS BODY STANDARDS

AISLE

- A. All emergency doors shall be accessible by a 12-inch minimum aisle. The aisle shall be unobstructed at all times by any type of barrier, seat, wheelchair or tiedown, unless a flip seat is installed and occupied. A flip seat in the unoccupied (up) position shall not obstruct the 12-inch minimum aisle to any side emergency door.
- B. The seat backs shall be slanted sufficiently to give aisle clearance of 15 inches at tops of seat backs.

BACK-UP WARNING ALARM

An automatic audible alarm shall be installed behind the rear axle and shall comply with the published Backup Alarm Standards (SAE J994B), providing a minimum of 112 dbA.

BATTERY

- A. The battery is to be furnished by the chassis manufacturer.
- B. When the battery is mounted as described in the "Bus Chassis Specifications," the body manufacturer shall securely attach the battery on a slide-out or swing-out tray in a closed, vented compartment in the body skirt, so that the battery is accessible for convenient servicing from the outside. The battery compartment door or cover shall be hinged at the front or top, and be secured by an adequate and conveniently operated latch or other type fastener. The battery compartment is not required on Type A-1 buses.
- C. Buses may be equipped with a battery shut-off switch. The switch is to be placed in a location not readily accessible to the driver or passengers.

BUMPER: FRONT

On a Type D school bus, if the chassis manufacturer does not provide a bumper, it shall be provided by the body manufacturer. The bumper will conform to the standards described in the "Bus Chassis Specifications."

BUMPER: REAR

- A. The bumper shall be pressed steel channel at least 3/16 inch thick or equivalent strength material (except for Type A buses). Type A-1 buses bumper shall be a minimum of 8 inches wide (high) and Type A-2, B, C and D buses bumper shall be a minimum of 9 1/2 inches wide (high). The bumper shall be of sufficient strength to permit being pushed by another vehicle without permanent distortion.
- B. The bumper shall be wrapped around the back corners of the bus. It shall extend forward at least 12 inches, measured from the rear-most point of the body at the floor line, and shall be flush-mounted to the body sides or protected with an end panel.
- C. The bumper shall be attached to the chassis frame in such a manner that it may be easily removed. It shall be so braced as to withstand impact from the rear or the side. It shall be so attached as to discourage hitching of rides by an individual.
- D. The bumper shall extend at least 1 inch beyond the rear-most part of the body surface measured at the floor line.

CEILING

See Insulation and Interior, this section.

CERTIFICATION

The body manufacturer shall, upon request of the state agency having pupil transportation jurisdiction, certify that its product meets the state's minimum standards on items which are not covered by FMVSS certification requirements of 49 CFR, Part 567. **CHAINS (TIRE)**
See Wheel housing, this section.

COLOR

- A. The school bus body shall be painted National School Bus Yellow (NSBY). (See Appendix B).
- B. The body exterior paint trim shall be black.
- C. Optionally, the roof of the bus may be painted white except that the front and rear roof caps shall remain NSBY. (See illustration in Appendix B, under Reflective Materials.)

CONSTRUCTION

- A. **Side Intrusion Test:** The bus body shall be constructed to withstand an intrusion force equal to the curb weight of the vehicle; but shall not exceed 20,000 pounds, whichever is less. Each vehicle shall be capable of meeting this requirement when tested in accordance with the procedures set forth below.

The complete body structure, or a representative seven-body section mock up with seats installed, shall be load-tested at a location 24 inches plus or minus two inches above the floor line, with a maximum 10-inch diameter cylinder, 48 inches long, mounted in a horizontal plane.

The cylinder shall be placed as close as practical to the mid-point of the tested structure, spanning two internal vertical structural members. The cylinder shall be statically loaded to the required force of curb weight or 20,000 pounds, whichever is less, in a horizontal plane with the load applied from the exterior toward the interior of the test structure. Once the minimum load has been applied, the penetration of the loading cylinder into the passenger compartment shall not exceed a maximum of ten inches from its original point of contact. There can be no separation of lapped panels or construction joints. Punctures, tears or breaks in the external panels are acceptable but are not permitted on any adjacent interior panel. Body companies shall certify compliance with this intrusion requirement, including test results, if requested.

- B. Construction shall be reasonably dust-proof and watertight.

CROSSING CONTROL ARM

- A. Buses may be equipped with a crossing control arm mounted on the right side of the front bumper. This arm when opened shall extend in a line parallel with the body side and positioned on a line with the right side wheels.
- B. All components of the crossing control arm and all connections shall be weatherproofed.
- C. The crossing control arm shall incorporate system connectors (electrical, vacuum or air) at the gate and shall be easily removable to allow for towing of the bus.

- D. The crossing control arm shall meet or exceed SAE J1133.
- E. The crossing control arm shall be constructed of non corrosive or nonferrous material or treated in accordance with the body sheet metal specification. (see METAL TREATMENT.)
- F. There shall be no sharp edges or projections that could cause hazard or injury to students.
- G. The crossing control arm shall extend minimum 70 inches (measured from the bumper at the arm assembly attachment point) when in the extended position.
- H. The crossing control arm shall extend simultaneously with the stop arm(s) by means of the stop arm controls.
- I. An automatic recycling interrupt switch should be installed for temporary disabling of the crossing control arm.

DEFROSTERS

- A. Defrosting and defogging equipment shall direct a sufficient flow of heated air onto the wind shield, the window to the left of the driver and the glass in the viewing area directly to the right of the driver to eliminate frost, fog and snow.
- B. The defrosting system shall conform to SAE J381 and J382.
- C. The defroster and defogging system shall be capable of furnishing heated, outside ambient air, except that the part of the system furnishing additional air to the windshield, entrance door and stepwell may be of the re-circulating air type.
- D. Auxiliary fans are not considered defrosting or defogging systems.
- E. Portable heaters shall not be used.

DOORS

A. Service door

1. The service door shall be in the driver's control, designed to afford easy release and to provide a positive latching device on manual operating doors to prevent accidental opening. When a hand lever is used, no part shall come together that will shear or crush fingers. Manual door controls shall not require more than 25 pounds of force to operate at any point throughout the range of operation, as tested on a 10 percent grade both uphill and downhill.
2. The service door shall be located on the right side of the bus, opposite and within direct view of driver.
3. The service door shall have a minimum horizontal opening of 24 inches and a minimum vertical opening of 68 inches. Type A-1 vehicles shall have a minimum opening area of 1,200 square inches.
4. Service door shall be a split-type, sedan-type or jackknife-type. (Split-type door includes any sectioned door which divides and opens inward or outward.) If one section of a split-type door opens inward and the other opens outward, the front section shall open out-ward.
5. Lower, as well as upper, door panels shall be of approved safety glass. The bottom of each lower glass panel shall not be more than ten inches from the top surface of the bottom step. The top of each upper glass panel shall not be more than three inches from the top of the door. Type A vehicles shall have an upper panel (windows) of safety glass with an area of at least 350 square inches.
6. Vertical closing edges on split-type or folding-type entrance doors shall be equipped with flexible material to protect children's fingers. Type A-1 vehicles may be equipped with the chassis manufacturer's standard entrance door.
7. There shall be no door to the left of the driver on Type B, C or D vehicles. All Type A vehicles may be equipped with the chassis manufacturer's standard left-side door.
8. All doors shall be equipped with padding at the top edge of each door opening. Padding shall be at least three inches wide and one-inch thick and extend the full width of the door opening.
9. On power-operated service doors, the emergency release valve, switch or device to release the service door must be placed above or to the immediate left or right of the service door and clearly labeled.

EMERGENCY EXITS

- A. All installed emergency exits shall comply with the requirements of FMVSS No. 217.
- B. Emergency door requirements.
 - 1. The upper portion of the emergency door shall be equipped with approved safety glazing, the exposed area of which shall be at least 400 square inches. The lower portion of the rear emergency doors on Types A-2, B, C, and D vehicles shall be equipped with a minimum of 350 square inches of approved safety glazing.
 - 2. There shall be no steps leading to an emergency door.
 - 3. The emergency door(s) shall be equipped with padding at the top edge of each door opening. Padding shall be at least three inches wide and one-inch thick, and shall extend the full width of the door opening.
 - 4. There shall be no obstruction higher than 1/4 inch across the bottom of any emergency door opening.
 - 5. The rear emergency window shall have an assisted lifting device that will aid in lifting and holding the rear emergency window open.
- C. Emergency exit requirements

Types A,B,C and D vehicles shall be equipped with a total number of emergency exits as follows for the indicated capacities of vehicles. Exits required by FMVSS 217 may be included to comprise the total number of exits specified.

0 to 42 Passengers = 1 emergency exit per side and 1 roof hatch.

43 to 78 Passengers = 2 emergency exits per side and 2 roof hatches.

79 to 90 Passengers = 3 emergency exits per side and 2 roof hatches.

Side emergency exit windows when installed may be vertically hinged on the forward side of the window. No side emergency exit window will be located above a stop arm. Currently, the minimum requirements of FMVSS 217, when calculated to each capacity of school bus, are as follows and are exceeded by the aforementioned National Specification: One rear emergency exit door plus additional emergency exits based on the following maximum rated seating capacities:

1 to 45 Passengers = no additional emergency exits.

46 to 62 Passengers = 1 left side emergency door or 2 emergency exit windows.

63 to 70 Passengers = 1 left side emergency door or 2 emergency exit windows, and 1 emergency roof exit.

71 or more Passengers = 1 left side emergency door or 2 emergency exit windows, and 1 emergency roof exit, plus any combination of door, roof or windows necessary to meet the total amount of emergency exit area required.

One emergency exit door on the left side and a push-out rear window plus additional emergency exits based on the following maximum rated seating capacities:

1 to 57 Passengers = no additional emergency exits

58 to 74 Passengers = 1 right side emergency door or 2 emergency door or 2 emergency exit windows.

75 to 82 Passengers = 1 right side emergency door or 2 emergency exit windows, and 1 emergency roof exit.

83 or more Passengers = 1 right side emergency door or 2 emergency exit windows, and 1 emergency roof exit, plus any combination of door, roof or windows necessary to meet the total amount of emergency exit area required.

EMERGENCY EQUIPMENT

A. Fire extinguisher

1. The bus shall be equipped with at least one UL-approved pressurized, dry chemical fire extinguisher. The extinguisher shall be mounted (and secured) in a bracket, located in the driver's compartment and readily accessible to the driver and passengers. A pressure gauge shall be mounted on the extinguisher and shall be easily read without moving the extinguisher from its mounted position.
2. The fire extinguisher shall have a total rating of 2A10BC or greater. The operating mechanism shall be sealed with a type of seal that will not interfere with the use of the fire extinguisher.

B. First-aid kit

1. The bus shall have a removable, moisture-proof and dust-proof first aid kit in an accessible place in the driver's compartment. It shall be properly mounted (and secured) and identified as a first aid kit. The location for the first aid kit shall be marked. Contents of first aid kit shall be in compliance with state standards.
2. Suggested contents include:

- 2 - 1 inch x 2 1/2 yards of adhesive tape rolls
- 24 - sterile gauze pads 3 inches x 3 inches
- 100 - 3/4 inch x 3 inches adhesive bandages
- 8 - 2 inch bandage compress
- 10 - 3 inch bandage compress
- 2 - 2 inch x 6 feet sterile gauze roller bandages
- 2 - non-sterile triangular bandages minimum 39 inches x 35 inches x 54 inches with 2 safety pins
- 3 - sterile gauze pads 36 inches x 36 inches
- 3 - sterile eye pads
- 1 - rounded-end scissors
- 1 - pair medical examination gloves
- 1 - mouth-to-mouth airway

C. Body fluid clean-up kit

Each bus shall have a removable and moisture-proof body fluid clean-up kit accessible to the driver. It shall be properly mounted and identified as a body fluid clean-up kit. Contents of body fluid clean-up kit shall be in compliance with state standards.

D. Warning devices

Each school bus shall contain at least three reflectorized triangle road warning devices mounted in an accessible place that meet requirements in FMVSS No. 125.

E. Any of the emergency equipment may be mounted in an enclosed compartment, provided the compartment is labeled in not less than one-inch letters, identifying each piece of equipment contained therein.

FLOORS

- A. The floor in the under-seat area, including tops of wheelhousings, driver's compartment and toeboard, shall be covered with rubber floor covering or equivalent, having a minimum overall thickness of .125 inch. The driver's area in all Type A buses may be manufacturer's standard flooring and floor covering.
- B. The floor covering in the aisles shall be of aisle-type rubber or equivalent, wear-resistant and ribbed. Minimum overall thickness shall be .187 inch measured from tops of ribs.
- C. The floor covering must be permanently bonded to the floor and must not crack when subjected to sudden changes in temperature. Bonding or adhesive material shall be waterproof and shall be a type recommended by the manufacturer of floor-covering material. All seams must be sealed with waterproof sealer.
- D. On Types B, C and D buses, a flush-mounted, screw-down plate that is secured and sealed shall be provided to access the fuel tank sending unit.

HANDRAILS

At least one handrail shall be installed. The handrail(s) shall assist passengers during entry or exit, and be designed to prevent entanglement, as evidenced by the passage of the NHTSA string and nut test as defined in the School Bus Inspection section, item 11.85.

HEATING AND AIR CONDITIONING SYSTEMS

A. Heating System

1. The heater shall be hot water and/or combustion type.
2. If only one heater is used, it shall be fresh-air or combination fresh-air and re-circulation type.
3. If more than one heater is used, additional heaters may be re-circulating air type.
4. The heating system shall be capable of maintaining bus interior temperatures as specified in SAE test procedure J2233.
5. Auxiliary fuel-fired heating systems are permitted, provided they comply with the following:
 - a. The auxiliary heating system fuel shall utilize the same type fuel as specified for the vehicle engine;
 - b. The heater(s) may be direct hot air or connected to the engine's coolant system;
 - c. An auxiliary heating system, when connected to the engine's coolant system, may be used to preheat the engine coolant or preheat and add supplementary heat to the bus's heating system;
 - d. Auxiliary heating systems must be installed pursuant to the manufacturer's recommendations and shall not direct exhaust in such a manner that will endanger bus passengers;
 - e. Auxiliary heating systems which operate on diesel fuel shall be capable of operating on #1, #2 or blended diesel fuel without the need for system adjustment;
 - f. The auxiliary heating system shall be low voltage;
 - g. Auxiliary heating systems shall comply with all applicable FMVSSs, including FMVSS No. 301, as well as with SAE test procedures.
6. All forced air heaters installed by body manufacturers shall bear a name plate that indicates the heater rating in accordance with SBMTC-001. The plate shall be affixed by the heater manufacturer and shall constitute certification that the heater performance is as shown on the plate.

7. Heater hoses shall be adequately supported to guard against excessive wear due to vibration. The hoses shall not dangle or rub against the chassis or any sharp edges and shall not interfere with or restrict the operation of any engine function. Heater hoses shall conform to SAE J20c. Heater lines on the interior of bus shall be shielded to prevent scalding of the driver or passengers.
8. Each hot water system installed by a body manufacturer shall include one shut-off valve in the pressure line and one shut-off valve in the return line with both valves at the engine in an accessible location, except that on all Types A and B buses, the valves may be installed in another accessible location.
9. There shall be a water flow regulating valve installed in the pressure line for convenient operation by the driver while seated.
10. All combustion heaters shall be in compliance with current Federal Motor Carrier Safety Regulations.
11. Accessible bleeder valves shall be installed in an appropriate place in the return lines of body company-installed heaters to remove air from the heater lines.
12. Access panels shall be provided to make heater motors, cores and fans readily accessible for service. An outside access panel may be provided for the driver's heater.

B. Air Conditioning (Optional)

The following specifications are applicable to all types of school buses that may be equipped with air conditioning. This section is divided into two parts: Part 1 covers performance specifications and Part 2 covers other requirements applicable to all buses.

1. Performance Specifications

The installed air conditioning system should cool the interior of the bus down to at least 80 degrees Fahrenheit, measured at a minimum of three points, located four feet above the floor at the longitudinal centerline of the bus. The three points shall be: (1) near the driver's location, (2) at the mid point of the body, and (3) two feet forward of the emergency door, or, for Type D rear-engine buses, two feet forward of the end of the aisle.

The test conditions under which the above performance must be achieved shall consist of: (1) placing the bus in a room (such as a paint booth) where ambient temperature can be maintained at 100 degrees Fahrenheit (2) heat soaking the bus at 100 degrees Fahrenheit with windows open for at least one hour and (3) closing windows, turning on the air conditioner with the engine running at the chassis manufacturer's recommended low idle speed, and cooling the interior of the bus to 80 degrees Fahrenheit or lower within a maximum of 30 minutes while maintaining 100 degrees Fahrenheit outside temperature.

Alternately, and at the user's discretion, this test may be performed under actual summer conditions, which consist of temperatures above 85 degrees Fahrenheit, humidity above 50 percent with normal sun loading of the bus and the engine running at the engine 30 manufacturer's recommended low idle speed. After a minimum of one hour of heat soaking, the system shall be turned on and must provide a minimum 20 degree temperature drop in the 30-minute time limit. The manufacturer shall provide facilities for the user or user's representative to confirm that a pilot model of each bus design meets the above performance requirements.

2. Other Requirements

- a. Evaporator cases, lines and ducting (as equipped) shall be designed in such a manner that all condensation is effectively drained to the exterior of the bus below the floor level under all conditions of vehicle movement and without leakage on any interior portion of bus.
- b. Any evaporator or ducting system shall be designed and installed so as to be free of injury-prone projections or sharp edges. Any ductwork shall be installed so that exposed edges face the front of the bus and do not present sharp edges.

- b. On specially equipped school buses, the evaporator and ducting (if used) shall be placed high enough that they will not obstruct occupant securement shoulder strap upper attachment points. This clearance shall be provided along en-tire length of the passenger area on both sides of the bus interior to allow for potential retrofitting of new wheelchair positions and occupant securement de-vices throughout the bus.
- c. The body may be equipped with insulation, including sidewalls, roof, firewall, rear, inside body bows and plywood or composite floor insulation to aid in heat dissipation and reflection.
- d. All glass (windshield, service and emergency doors, side and rear windows) may be equipped with maximum integral tinting allowed by federal, state or ANSI standards for the respective locations, except that windows rear of the driver's compartment, if tinted, shall have approximately 28 percent light transmission.
- e. Electrical generating capacity shall be provided to accommodate the additional electrical demands imposed by the air conditioning system.
- f. Roofs may be painted white to aid in heat dissipation. (See Appendix B)

HINGES

All exterior metal door hinges which do not have stainless steel, brass or nonmetallic hinge pins or other designs that prevent corrosion shall be designed to allow lubrication to be channeled to the center 75 percent of each hinge loop without disassembly.

IDENTIFICATION

- A. The body shall bear the words "SCHOOL BUS" in black letters at least eight inches high on both front and rear of the body or on signs attached thereto. Lettering shall be placed as high as possible without impairment of its visibility. Letters shall conform to "Series B" of Standard Alphabets for Highway Signs. "SCHOOL BUS" lettering shall have a reflective background, or as an option, may be illuminated by backlighting.
- B. Required lettering and numbering shall include:
 - 1. District, company name or owner of the bus displayed at the beltline.
 - 2. The bus identification number displayed on the sides, on the rear, and on the front.

- C. Other lettering, numbering or symbols which may be displayed on the exterior of the bus shall be limited to:
1. Bus identification number on the top of the bus, in addition to required numbering on the sides, rear, and front;
 2. The location of the battery(ies) identified by the word "BATTERY" or "BATTERIES" on the battery compartment door in two-inch lettering;
 3. Symbols or letters not to exceed 64 square inches of total display near the service door, displaying information for identification by the students of the bus or route served;
 4. Manufacturer, dealer or school identification or logos;
 5. Symbols identifying the bus as equipped for or transporting students with special needs (See Specially Equipped School Bus section);
 6. Lettering on the rear of the bus relating to school bus flashing signal lamps or railroad stop procedures; and
 7. Identification of fuel type in two-inch lettering adjacent to the fuel filler opening.

INSIDE HEIGHT

Inside body height shall be 72 inches or more, measured metal to metal, at any point on longitudinal centerline from front vertical bow to rear vertical bow. Inside body height of Type A-1 buses shall be 62 inches or more.

INSULATION (OPTIONAL)

- A. If thermal insulation is specified, it shall be fire-resistant, UL approved, with minimum R-value of 5.5. Insulation shall be installed so as to prevent sagging.
- B. If floor insulation is required, it shall be five ply nominal 5/8 inch-thick plywood, and it shall equal or exceed properties of the exterior-type softwood plywood, C-D Grade, as specified in the standard issued by U.S. Department of Commerce. When plywood is used, all exposed edges shall be sealed. Type A-1 buses may be equipped with nominal 1/2 inch-thick plywood or equivalent material meeting the above requirements. Equivalent material may be used to replace plywood, provided it has an equal or greater insulation R value, deterioration, sound abatement and moisture resistance properties.

INTERIOR

- A. The interior of bus shall be free of all unnecessary projections, which include luggage racks and attendant handrails, to minimize the potential for injury. This specification requires inner lining on ceilings and walls. If the ceiling is constructed to contain lap joints, the forward panel shall be lapped by rear panel and exposed edges shall be beaded, hemmed, flanged or otherwise treated to minimize sharp edges. Buses may be equipped with a storage compartment for tool, tire chains and/or tow chains. (see STORAGE COMPARTMENT.)
- B. Interior overhead storage compartments may be provided if they meet the following criteria:
 - 1. Meet head protection requirements of FMVSS No. 222, where applicable;
 - 2. Have a maximum rated capacity displayed for each compartment;
 - 3. Be completely enclosed and equipped with latching doors which must be sufficient to withstand a force of five times the maximum rated capacity of the compartment;
 - 4. Have all corners and edges rounded with a minimum radius of one-inch or padded equivalent to door header padding;
 - 5. Be attached to the bus sufficiently to withstand a force equal to twenty times the Maximum rated capacity of the compartment; and
 - 6. Have no protrusions greater than 1/4 inch.
- C. The driver's area forward of the foremost padded barriers will permit the mounting of required safety equipment and vehicle operation equipment.
- D. Every school bus shall be constructed so that the noise level taken at the ear of the occupant nearest to the primary vehicle noise source shall not exceed 85 dbA when tested according to the procedure in Appendix B.

LAMPS AND SIGNALS

- A. Interior lamps shall be provided which adequately illuminate the aisle and the stepwell. The stepwell light shall be illuminated by a service door-operated switch, to illuminate only when headlights and clearance lights are on and the service door is open.
- B. Body instrument panel lights shall be controlled by an independent rheostat switch.
- C. School bus alternately flashing signal lamps
 1. The bus shall be equipped with two red lamps at the rear of the vehicle and two Red lamps at the front of the vehicle.
 2. In addition to the four red lamps described above, four amber lamps shall be installed so that one amber lamp is located near each red signal lamp, at the same level, but closer to the vertical centerline of bus. The system of red and amber signal lamps shall be wired so that amber lamps are energized manually, and red lamps are automatically energized (with amber lamps being automatically de-energized) when stop signal arm is extended or when bus service door is opened. An amber pilot light and a red pilot light shall be installed adjacent to the driver controls for the flashing signal lamp to indicate to the driver which lamp system is activated.
 3. The area around the lenses of alternately flashing signal lamps extending outward from the edge of the lamps three inches (+/-1/4 inch) to the sides and top and minimum one-inch to the bottom, shall be black in color on the body or roof area against which the signal lamp is seen (from distance of 500 feet along axis of the vehicle). Visors or hoods, black in color, with a minimum depth of four inches may be provided. (See also Appendix B.)
 4. Red lamps shall flash at any time the stop signal arm is extended.
 5. All flashers for alternately flashing red and amber signal lamps shall be enclosed in the body in a readily accessible location.

D. Turn signal and stop/tail lamps

1. Bus body shall be equipped with amber rear turn signal lamps that are at least seven inches in diameter or, if a shape other than round, a minimum 38 square inches of illuminated area and shall meet SAE specifications. These signal lamps must be connected to the chassis hazard warning switch to cause simultaneous flashing of turn signal lamps when needed as a vehicular traffic hazard warning. Turn signal lamps are to be placed as wide apart as practical and their centerline shall be a maximum of 12 inches below the rear window. Type A-1 conversion vehicle lamps must be at least 21 square inches in lens area and must be in the manufacturer's standard color.
 2. Buses shall be equipped with amber side-mounted turn signal lights. The turn signal lamp on the left side shall be mounted rearward of the stop signal arm and the turn signal lamp on the right side shall be mounted rearward of the service door.
 3. Buses shall be equipped with four combination red stop/tail lamps.
 - a. Two combination lamps with a minimum diameter of seven inches, or if a shape other than round, a minimum 38 square inches of illuminated area shall be mounted on the rear of the bus just inside the turn signal lamps
 - b. Two combination lamps with a minimum diameter of four inches, or if a shape other than round, a minimum of 12 square inches of illuminated area, shall be placed on the rear of the body between the beltline and the floor line. The rear license plate lamp may be combined with one lower tail lamp. Stop lamps shall be activated by the service brakes and shall emit a steady light when illuminated. Type A-1 buses with bodies supplied by chassis manufacturer May be equipped with manufacturer's standard stop and tail lamps.
- E. On buses equipped with a monitor for the front and rear lamps of the school bus, the monitor shall be mounted in full view of the driver. If the full circuit current passes through the monitor, each circuit shall be protected by a fuse or circuit breaker against any short circuit or intermittent shorts.

- F. An optional white flashing strobe light may be installed on the roof of a school bus, at location not to exceed 1/3 the body length forward from the rear of the roof edge. The light shall have a single clear lens emitting light 360 degrees around its vertical axis and may not extend above the roof more than maximum legal height. A manual switch and a pilot light shall be included to indicate when the light is in operation. Optionally, the strobe light may be mounted on the roof in the area directly over the restraining barrier on the driver's side, may be wired to activate with the amber alternately flashing signal lamps, continuing through the full loading or unloading cycle, and may be equipped with an override switch to allow activation of the strobe at any time for use in inclement weather.
- G. The bus body shall be equipped with two white rear backup lamp signals that are at least four-inches in diameter or, if a shape other than round, a minimum of 13 square inches of illuminated area, meeting FMVSS No. 108. If backup lamps are placed on the same horizontal line as the brake lamps and turn signal lamps, they shall be to the inside.

METAL TREATMENT

- A. All metal used in construction of the bus body shall be zinc-coated or aluminum-coated or treated by an equivalent process before the bus is constructed. Included are such items as structural members, inside and outside panels, door panels and floor sills. Excluded are such items as door handles, grab handles, interior decorative parts and other interior plated parts.
- B. All metal parts that will be painted, in addition to the above requirements, shall be chemically cleaned, etched, zinc phosphate-coated and zinc chromate-or epoxy-primed, or the metal may be conditioned by equivalent process.
- C. In providing for these requirements, particular attention shall be given to lapped surfaces, welded connections of structural members, cut edges on punched or drilled hole areas in sheet metal, closed or box sections, unvented or undrained areas and surfaces subjected to abrasion during vehicle operation.
- D. As evidence that the above requirements have been met, samples of materials and sections used in the construction of the bus body shall not lose more than 10 percent of material by weight when subjected to a 1,000-hour salt spray test as provided for in the latest revision of ASTM Standard B-117.

MIRRORS

- A. The interior mirror shall be either clear view laminated glass or clear view glass bonded to a backing which retains the glass in the event of breakage. The mirror shall have rounded corners and protected edges. All Type A buses shall have a minimum of a six-inch x 16-inch mirror and Types B, C and D buses shall have a minimum of a six-inch x 30-inch mirror.
- B. Each school bus shall be equipped with exterior mirrors meeting the requirements of FMVSS No. 111. Mirrors shall be easily adjustable but shall be rigidly braced so as to reduce vibration.
- C. Heated external mirrors may be used.

MOUNTING

- A. The chassis frame shall support the rear body cross member. The bus body shall be attached to chassis frame at each main floor sill, except where chassis components interfere, in such a manner as to prevent shifting or separation of the body from the chassis under severe operating conditions.
- B. Isolators shall be installed at all contact points between the body and the chassis frame on Types A-2, B, C and D buses, and shall be secured by a positive means to the chassis frame or body to prevent shifting, separation, or displacement of the isolators under severe operating conditions.

OVERALL LENGTH

Overall length of the bus shall not exceed 45 feet, excluding accessories.

OVERALL WIDTH

Overall width of bus shall not exceed 102 inches, excluding accessories.

PUBLIC ADDRESS SYSTEM

- A. Buses may be equipped with an AM/FM/audio and/or public address system having interior and exterior speakers.
- B. No internal speakers, other than the driver's communication systems, may be installed within four feet of the driver's seat back in its rearmost upright position.

REFLECTIVE MATERIAL (see also Reflective Material, Appendix B.)

- A. The front and/or rear bumper may be marked diagonally 45 degrees down to centerline of pavement with two-inch $\pm 1/4$ inch wide strips of non-contrasting reflective material.
- B. The rear of bus body shall be marked with strips of reflective NSBY material to outline the perimeter of the back of the bus using material which conforms with the requirements of FMVSS No. 131, Table 1. The perimeter marking of rear emergency exits per FMVSS No. 217 and/or the use of reflective "SCHOOL BUS" signs partially accomplishes the objective of this requirement. To complete the perimeter marking of the back of the bus, strips of at least one 3/4-inch-reflective NSBY material shall be applied horizontally above the rear windows and above the rear bumper, extending from the rear emergency exit perimeter, marking outward to the left and right rear corners of the bus. Vertical strips shall be applied at the corners connecting these horizontal strips.
- C. "SCHOOL BUS" signs, if not of lighted design, shall be marked with reflective NSBY material comprising background for lettering of the front and/or rear "SCHOOL BUS" signs.
- D. Sides of bus body shall be marked with at least one 3/4-inch-reflective NSBY material, extending the length of the bus body and located (vertically) between the floor line and the beltline.
- E. Signs, if used, placed on the rear of the bus relating to school bus flashing signal lamps or railroad stop procedures may be of reflective material as specified by each state.

RUB RAILS

- A. There shall be one rub rail located on each side of the bus at seat cushion level which extends from the rear side of the entrance door completely around the bus body (except the emergency door or any maintenance access door) to the point of curvature near the outside cowl on the left side.
- B. There shall be one additional rub rail located on each side at, or no more than 10 inches above, the floor line. The rub rail shall cover the same longitudinal area as the upper rub rail, except at the wheelhousings, and it shall extend only to the radii of the right and left rear corners.
- C. Both rub rails shall be attached at each body post and at all other upright structural members.

- D. Each rub rail shall be four inches or more in width in their finished form, shall be constructed of 16-gauge steel or suitable material of equivalent strength and shall be constructed in corrugated or ribbed fashion.
- E. Both rub rails shall be applied outside the body or outside the body posts. (Pressed-in or snap-on rub rails do not satisfy this requirement.) For Type A-1 vehicles using the body provided by the chassis manufacturer or for Types A-2, B, C and D buses using the rear luggage or the rear engine compartment, rub rails need not extend around the rear corners.
- F. There shall be a rub rail or equivalent bracing located horizontally at the bottom edge of the body side skirts.

SEAT AND RESTRAINING BARRIERS

A. Passenger Seating

1. All seats shall have a minimum cushion depth of 15 inches and must comply with all requirements of FMVSS No. 222. School bus design capacities shall be in accordance with 49 CFR, Part 571.3 and FMVSS No. 222.
2. All restraining barriers and passenger seats shall be constructed with materials that enable them to meet the criteria contained in the School Bus Seat Upholstery Fire Block Test. (See Appendix B.)
3. Each seat leg shall be secured to the floor by a minimum of two bolts, washers and nuts. Flange-head nuts may be used in lieu of nuts and washers, or seats may be track-mounted in conformance with FMVSS No. 222. If track seating is installed, the manufacturer shall supply minimum and maximum seat spacing dimensions applicable to the bus, which comply with FMVSS No. 222. This information shall be on a label permanently affixed to the bus.
4. All seat frames attached to the seat rail shall be fastened with two bolts, washers and nuts or flange-head nuts.
5. All school buses (including Type A) shall be equipped with restraining barriers which conform to FMVSS No. 222.

6. A flip-up seat may be installed at any side emergency door, provided that it conforms with FMVSS No. 222 and aisle clearance requirements of FMVSS 217. The flip-up seat shall be free of sharp projections on the underside of the seat bottom. The underside of the flip-up seat bottoms shall be padded or contoured to reduce the possibility of clothing being snagged or personal injury during use. Flip-up seats shall be constructed to prevent passenger limbs from becoming entrapped between the seat back and the seat cushion when the seat is in the upright position. The seat cushion shall be designed to rise to a vertical position automatically when it is not occupied.

B. Pre-School Age Seating

When installed, all passenger seats designed to accommodate a child or infant carrier seat shall comply with FMVSS No. 225. These seats shall be in compliance with NHTSA's "Guideline for the Safe Transportation of Pre-school Age Children in School Buses."

C. Driver Seat

1. The driver's seat supplied by the body company shall be a high back seat with a minimum seat back adjustable to 15 degrees, without requiring the use of tools, and a head restraint to accommodate a 95th percentile adult male, as defined in FMVSS No. 208. The driver's seat shall be secured with nuts, bolts and washers or flanged-head nuts.
2. Type A buses may use utilize the standard driver's seat provided by the chassis manufacturer.

D. Driver Restraint System

A Type 2 lap/shoulder belt shall be provided for the driver. The assembly shall be equipped with an automatic locking retractor for the continuous belt system. On all buses except Type A equipped with a standard chassis manufacturer's driver's seat, the lap portion of the belt system shall be guided or anchored to prevent the driver from sliding sideways under it. The lap/shoulder belt shall be designed to allow for easy adjustment in order to fit properly and to effectively protect drivers varying in size from 5th percentile adult female to 95th percentile adult male.

STEERING WHEEL

(See Chassis section.)

STEPS

- A. The first step at service door shall be not less than ten inches and not more than 14 inches from the ground when measured from the top surface of the step to the ground, based on standard chassis specifications, except that on Type D vehicles, the first step at the service door shall be 12 inches to 16 inches from the ground. On chassis modifications which may result in increased ground clearance (such as four-wheel drive) an auxiliary step may be provided to compensate for the increase in ground-to-first-step clearance. The auxiliary step is not required to be enclosed.
- B. Step risers shall not exceed a height of ten inches. When plywood is used on a steel floor or step, the riser height may be increased by the thickness of the plywood.
- C. Steps shall be enclosed to prevent accumulation of ice and snow.
- D. Steps shall not protrude beyond the side body line.

STEP TREADS

- A. All steps, including the floor line platform area, shall be covered with 3/16 inch rubber floor covering or other materials equal in wear and abrasion resistance to top grade rubber.
- B. The metal back of the tread shall be permanently bonded to the step tread material.
- C. Steps, including the floor line platform area, shall have a one 1/2-inch nosing that contrasts in color by at least 70 percent measured in accordance with the contrasting color specification in 36 CFR, Part 1192 ADA, Accessibility Guidelines for Transportation Vehicles.
- D. Step treads shall have the following characteristics:
 - 1. Special compounding for good abrasion resistance and coefficient of friction of at least 0.6 for the step surface, and 0.8 for the step nosing;
 - 2. Flexibility so that it can be bent around a 1/2 inch mandrel both at 130 degrees Fahrenheit and 20 degrees Fahrenheit without breaking, cracking or crazing; and
 - 3. A durometer hardness of 85 to 95.

STIRRUP STEPS

Unless the windshield and lamps are not easily accessible from the ground, there may be at least one folding stirrup step or recessed foothold and suitably located handles on each side of the front of the body for easy accessibility for cleaning. Steps are permitted in or on the front bumper in lieu of the stirrup steps if the windshield and lamps are easily accessible for cleaning from that position.

STOP SIGNAL ARM

The stop signal arm(s) shall comply with the requirements of FMVSS No. 131.

STORAGE COMPARTMENT (Optional)

A storage container for tools, tire chains, and/or tow chains may be located either inside or outside the passenger compartment. If inside, it shall have a cover capable of being securely latched and fastened to the floor, convenient to either the service door or the emergency door. (The seat cushion may not serve this purpose.)

SUN SHIELD

- A. An interior adjustable transparent sun shield, with a finished edge and not less than six inches X 30 inches for Types B, C and D vehicles, shall be installed in a position convenient for use by the driver.
- C. On all Type A buses, the sun shield (visor) shall be installed according to the manufacturer's standard.

TAILPIPE

- A. The tailpipe may be flush with, with but shall not extend out more than two inches beyond, the perimeter of the body for side-exit pipe or the bumper for rear-exit pipe.
- B. The tailpipe shall exit to the left of the emergency exit door in the rear of the vehicle or to the left side of the bus in front or behind the rear drive axle. The tailpipe exit location on all Types A-1 or B-1 buses may be according to the manufacturer's standard. The tailpipe shall not exit beneath any fuel filler location or beneath any emergency door.

TOWING ATTACHMENT POINTS

Optional tow eyes, hooks or other devices may be furnished on the rear and attached so they do not project beyond the rear bumper. Tow eyes or hooks for attachment to the rear of the chassis frame shall be furnished by either the chassis or body manufacturer. The installation shall be in accordance with the chassis manufacturer's specifications. (Note: Type A buses are exempt from this requirement for front tow hooks or eyes.)

TRACTION ASSISTING DEVICES (Optional)

A. Where required or used, sanders shall:

1. Be of hopper cartridge-valve type;
2. Have a metal hopper with all interior surfaces treated to prevent condensation of moisture;
3. Be of at least 100 pound (grit) capacity;
4. Have a cover on the filler opening of hopper, which screws into place, thereby sealing the unit airtight;
5. Have discharge tubes extending to the front of each rear wheel under the fender;
6. Have non-clogging discharge tubes with slush-proof, non-freezing rubber nozzles;
7. Be operated by an electric switch with a telltale pilot light mounted on the instrument panel;
8. Be exclusively driver-controlled; and
9. Have a gauge to indicate that the hopper needs refilling when it reaches one-quarter full.

B. Automatic traction chains may be installed.

TRASH CONTAINER AND HOLDING DEVICE (Optional)

Where requested or used, the trash container shall be secured by a holding device that is designed to prevent movement and to allow easy removal and replacement; and it shall be installed in an accessible location in the driver's compartment, not obstructing passenger use of the service door.

UNDERCOATING

A. Entire underside of bus body, including floor sections, cross member and below-floor-line side panels, shall be coated with rust-proofing material for which the material manufacturer has issued a notarized certification of compliance to the bus body builder that materials meet or exceed all performance and qualitative requirements of paragraph 3.4 of Federal Specification TT-C-520b, using modified test procedures* for the following requirements:

1. Salt spray resistance--pass test modified to 5 percent salt and 1000 hours;
2. Abrasion resistance--pass; and
3. Fire resistance--pass

* Test panels are to be prepared in accordance with paragraph 4.6.12 of TT-C-520b with modified procedure requiring that the test be made on a 48-hour air-cured film at a thickness recommended by the material manufacturer.

B. The undercoating material shall be applied with suitable airless or conventional spray equipment to the recommended film thickness and shall show no evidence of voids in the cured film.

VENTILATION

A. Auxiliary fans shall meet the following requirements:

1. Fans for left and right sides shall be placed in a location where they can be adjusted for maximum effectiveness and where they do not obstruct vision to any mirror.
Note: Type A buses may be equipped with one fan.
2. Fans shall be of six-inch nominal diameter.
3. Fan blades shall be covered with a protective cage. Each fan shall be controlled by a separate switch.

- B. The bus body shall be equipped with a suitably controlled ventilating system of sufficient capacity to maintain proper quantity of air under operating conditions without having to open windows except in extremely warm weather.
- C. Static-type, non-closeable exhaust ventilation shall be installed in a low-pressure area of the roof.
- D. Roof hatches designed to provide ventilation in all types of exterior weather conditions may be provided.

WHEELHOUSING

- A. The wheelhousing opening shall allow for easy tire removal and service.
- B. Wheel housings shall be attached to the floor sheets in such a manner so as to prevent any dust, water or fumes from entering the body. Wheel housings shall be constructed of at least 16-gauge steel.
- C. The inside height of the wheel housings above the floor line shall not exceed 12 inches.
- D. The wheel housings shall provide clearance for installation and use of tire chains on single and dual (if so equipped) power-driving wheels.
- E. No part of a raised wheelhousing shall extend into the emergency door opening.

WINDOWS

- A. Each side window, other than emergency exits designated to comply with FMVSS No. 217, shall provide an unobstructed opening of at least nine inches high but not more than 13 inches high and at least 22 inches wide, obtained by the lowering the window. One side window on each side of the bus may be less than 22 inches wide.
- B. Optional tinted and/or frost-free glazing may be installed in all doors, windows and windshields consistent with federal, state and local regulations.

WINDSHIELD WASHERS

A windshield washer system shall be provided.

E. Roof hatches designed to provide ventilation in all types of exterior weather conditions may be provided.

F.

WHEELHOUSING

A. The wheel housing opening shall allow for easy tire removal and service.

B. Wheel housings shall be attached to the floor sheets in such a manner so as to prevent any dust, water or fumes from entering the body. Wheel housings shall be constructed of at least 16-gauge steel.

C. The inside height of the wheel housings above the floor line shall not exceed 12 inches.

D. The wheel housings shall provide clearance for installation and use of tire chains on single and dual (if so equipped) power-driving wheels.

E. No part of a raised wheel housing shall extend into the emergency door opening.

WINDOWS

A. Each side window, other than emergency exits designated to comply with FMVSS No. 217, shall provide an unobstructed opening of at least nine inches high but not more than 13 inches high and at least 22 inches wide, obtained by the lowering the window. One side window on each side of the bus may be less than 22 inches wide.

B. Optional tinted and/or frost-free glazing may be installed in all doors, windows and windshields consistent with federal, state and local regulations.

WINDSHIELD WASHERS

A windshield washer system shall be provided.

WINDSHIELD WIPERS

A. A two-speed or variable speed windshield wiping system, with an intermittent feature, shall be provided.

- B. The wipers shall be operated by one or more air or electric motors of sufficient power to operate the wipers. If one motor is used, the wipers shall work in tandem to give full sweep of windshield.

WIRING

- A. All wiring shall conform to current SAE standards.
- B. Circuits:
 - 1. Wiring shall be arranged in circuits, as required, with each circuit protected by a fuse or circuit breaker. A system of color and number coding shall be used and an appropriate identifying diagram shall be provided to the end user, along with the wiring diagram provided by the chassis manufacturer. The wiring diagrams shall be specific to the bus model supplied and shall include any changes to wiring made by the body manufacturer. Chassis wiring diagrams shall be supplied to the end user. A system of color-and number-coding shall be used on buses. The following body interconnecting circuits shall be color-coded as noted:

FUNCTION	COLOR
Left Rear Directional	Lamp Yellow
Right Rear Directional Lamp	Dark Green
Stop Lamps	Red
Back-up Lamps	Blue
Tail Lamps	Brown
Ground	White
Ignition Feed, Primary	Feed Black

The color of the cables shall correspond to SAE J 1128.

- 2. Wiring shall be arranged in at least six regular circuits as follows:
 - a. Head, tail, stop (brake) and instrument panel lamps;
 - b. Clearance lamps and stepwell lamps that shall be actuated when the service door is open;
 - c. Dome lamps;
 - d. Ignition and emergency door signal;
 - e. Turn signal lamps; and

- f. Alternately flashing signal lamps.
- 3. Any of the above combination circuits may be subdivided into additional independent circuits.
- 4. Heaters and defrosters shall be wired on an independent circuit.
- 5. Whenever possible, all other electrical functions (such as sanders and electric-type windshield wipers) shall be provided with independent and properly protected circuits.
- 6. Each body circuit shall be coded by number or letter on a diagram of circuits and shall be attached to the body in a readily accessible location.
- C. The entire electrical system of the body shall be designed for the same voltage as the chassis on which the body is mounted.
- D. All wiring shall have an amperage capacity exceeding the design load by at least 25 percent. All wiring splices are to be done at an accessible location and noted as splices on the wiring diagram.
- E. A body wiring diagram of a size that can easily be read shall be furnished with each bus body or affixed in an area convenient to the electrical accessory control panel.
- F. The body power wire shall be attached to a special terminal on the chassis.
- G. All wires passing through metal openings shall be protected by a grommet.
- H. Wires not enclosed within the body shall be fastened securely at intervals of not more than 18 inches. All joints shall be soldered or joined by equally effective connectors, which shall be water-resistant and corrosion-resistant.

STANDARDS FOR SPECIALLY EQUIPPED SCHOOL BUSES

INTRODUCTION

Equipping buses to accommodate students with disabilities is dependent upon the needs of the passengers. While one bus may be fitted with a lift, another may have lap belts installed to secure child seats. Buses so equipped are not to be considered a separate class of school bus, but simply a regular school bus that is equipped for special accommodations.

The specifications in this section are intended to be supplementary to specifications in the chassis and body sections. In general, specially equipped buses shall meet all the requirements of the preceding sections plus those listed in this section. It is recognized by the entire industry that the field of special transportation is characterized by varied needs for individual cases and by a rapidly emerging technology for meeting those needs. A flexible, "common sense" approach to the adoption and enforcement of specifications for these vehicles, therefore, is prudent.

As defined by the Code of Federal Regulations (CFR) 49§571.3, "*Bus* means a motor vehicle with motive power, except a trailer, designed for carrying more than ten persons" (eleven or more including the driver). This definition also embraces the more specific category, *school bus*. Vehicles with 10 or fewer passenger positions (including the driver) cannot be classified as buses. For this reason, the federal vehicle classification *multipurpose passenger vehicle* (CFR 49 § 571.3), or MPV, must be used by manufacturers for these vehicles in lieu of the classification *school bus*. This classification system does not preclude state or local agencies or these national specifications from requiring compliance of school bus-type MPVs with the more stringent federal standards for school buses. The following specifications address modifications as they pertain to school buses that, with standard seating arrangements prior to modification, would accommodate eleven or more including the driver. If by addition of a power lift, mobile seating device positions or other modifications, the capacity is reduced such that vehicles become MPVs, the intent of these specifications is to require these vehicles to meet the same specifications they would have had to meet prior to such modifications, and such MPVs are included in all references to school buses and requirements for school buses which follow.

DEFINITION

A specially equipped school bus is any school bus that is designed, equipped or modified to accommodate students with special needs.

GENERAL REQUIREMENTS

- A. School buses designed for transporting students with special transportation needs shall comply with National School Transportation Specifications and Procedures and with Federal Motor Vehicle Safety Standards (FMVSS) applicable to their Gross Vehicle Weight Rating (GVWR) category.

- B. Any school bus to be used for the transportation of children who are confined to a wheelchair or other mobile positioning device, or who require life-support equipment that prohibits use of the regular service entrance, shall be equipped with a power lift, unless a ramp is needed for unusual circumstances related to passenger needs.

AISLES

All school buses equipped with a power lift shall provide a minimum 30-inch aisle leading from any wheel-chair/ mobility aid position to at least one emergency exit. A wheelchair securement position shall never be located directly in front of a power lift door location. It is understood that, when provided, the lift service door is considered an emergency exit.

COMMUNICATIONS

All school buses that are used to transport individuals with disabilities should be equipped with a two-way electronic voice communication system that can be used at any point in the vehicle's route. Where no such service exists, vehicles would be exempt.

GLAZING

Tinted glazing may be installed in all doors, windows and windshields consistent with federal, state and local regulations.

IDENTIFICATION

Buses with power lifts used for transporting individuals with disabilities shall display the International Symbol of Accessibility below the window line. Such emblems shall be white on blue or black background, shall not exceed 12 square inches in size, and shall be of a high-intensity reflectorized material meeting Federal Highway Administration (FHWA) FP-85 Standards.

PASSENGER CAPACITY RATING

In determining the passenger capacity of a school bus for purposes other than actual passenger load (e.g., vehicle classification or various billing/reimbursement models), any location in a school bus intended for securement of an occupied wheelchair/mobility aid during vehicle operations are regarded as four designated seating positions. Similarly, each lift area may be regarded as four designated seating positions.

POWER LIFTS AND RAMPS

A. The power lift shall be located on the right side of the bus body when not extended. Exception: The lift may be located on the left side of the bus if, and only if, the bus is primarily used to deliver students to the left side of one-way streets.

1. A ramp device may be used in lieu of a mechanical lift if the ramp meets all the requirements of the Americans with Disabilities Act (ADA) as found in 36 CFR §1192.23 Vehicle ramp. (See Appendix D.)
2. A ramp device that does not meet the specifications of ADA but does meet the specifications of paragraph c of this section may be installed and used, when, and only when, a power lift system is not adequate to load and unload students having special and unique needs. A readily accessible ramp may be installed for emergency exit use. If stowed in the passenger compartment, the ramp must be properly secured and placed away from general passenger contact. It must not obstruct or restrict any aisle or exit while in its stowed or deployed position.
3. All vehicles covered by this specification shall provide a level-change mechanism or boarding device (e.g., lift or ramp) complying with paragraph 2 or 3 of this section with sufficient clearances to permit a wheelchair or other mobility aid user to reach a securement location.

B. Vehicle lift

1. Design loads. The design load of the lift shall be at least 600 pounds. Working parts, such as cables, pulleys and shafts, which can be expected to wear, and upon which the lift depends for support of the load, shall have a safety factor of at least six, based on the ultimate strength of the material. Non-working parts, such as platform, frame and attachment hardware that would not be expected to wear, shall have a safety factor of at least three, based on the ultimate strength of the material. Lift capacity. The lifting mechanism and platform shall be capable of lifting at least 800 pounds.

2. Controls

(a) Requirements

Controls shall be provided that enable the operator to activate the lift mechanism from either inside or outside the bus. The controls may be interlocked with the vehicle brakes, transmission or door, or they may provide other appropriate mechanisms or systems to ensure the vehicle cannot be moved when the lift is not stowed and so the lift cannot be deployed unless the interlocks or systems are engaged. The lift shall deploy to all levels (e.g., ground, curb and intermediate positions) normally encountered in the operating environment. Where provided, each control for deploying, lowering, raising and stowing the lift and lowering the roll-off barrier shall be of a momentary contact type requiring continuous manual pressure by the operator and shall not allow improper lift sequencing when the lift platform is occupied. The controls shall allow reversal of the lift operation sequence, such as raising or lowering a platform that is part way down, without allowing an occupied platform to fold or retract into the stowed position.

(b) Exception

Where the lift is designed to deploy with its long dimension parallel to the vehicle axis which pivots into or out of the vehicle while occupied (i.e., "rotary lift"), the requirements of this paragraph prohibiting the lift from being stowed while occupied, shall not apply if the stowed position is within the passenger compartment and the lift is intended to be stowed while occupied.

3. Emergency operation

The lift shall incorporate an emergency method of deploying, lowering to ground level with a lift occupant, and raising and stowing the empty lift if the power to the lift fails. No emergency method, manual or otherwise, shall be capable of being operated in a manner that could be hazardous to the lift occupant or to the operator when operated according to the manufacturer's instructions and shall not permit the platform to be stowed or folded when occupied, unless the lift is a rotary lift and is intended to be stowed while occupied. No manual emergency operation shall require more than two minutes to lower an occupied wheelchair to ground level.

4. Power or equipment failure

Platforms stowed in a vertical position, and deployed platforms when occupied, shall have provisions to prevent their deploying, falling or folding any faster than 12 inches per second or their dropping of an occupant in the event of a single failure of any load-carrying component.

5. Platform barriers

The lift platform shall be equipped with barriers to prevent any of the wheels of a wheel chair or mobility aid from rolling off the platform during its operation. A movable barrier or inherent design feature shall prevent a wheelchair or mobility aid from rolling off the edge closest to the vehicle until the platform is in its fully raised position. Each side of the lift platform that extends beyond the vehicle in its raised position shall have a barrier with a minimum height of one and 1/2 inches. Such barriers shall not interfere with maneuvering into or out of the aisle. The loading-edge barrier (outer barrier), which functions as a loading ramp when the lift is at ground level, shall be sufficient when raised or closed, or a supplementary system shall be provided, to prevent a power wheelchair or mobility aid from riding over or defeating it. The outer barrier of the lift shall automatically raise or close, or a supplementary system shall automatically engage, and remain raised, closed or engaged at all times that the platform is more than three inches above the roadway or sidewalk and the platform is occupied. Alternatively, a barrier or system may be raised, lowered, opened, closed, engaged or disengaged by the lift operator, provided an inter-lock or inherent design feature prevents the lift from rising unless the barrier is raised or closed or the supplementary system is engaged.

6. Platform surface

The platform surface shall be free of any protrusions over 1/4 inch high and shall be slip resistant. The platform shall have a minimum clear width of 28 1/2 inches at the platform, a minimum clear width of 30 inches measured from two inches above the platform surface to 30 inches above the surface of the platform, and a minimum clear length of 48 inches measured from two inches above the surface of the platform to 30 inches above the surface of the platform. (See "Wheelchair or Mobility Aid Envelope" figure in Appendix D.)

7. Platform gaps

Any openings between the platform surface and the raised barrier shall not exceed 5/8 inches in width. When the platform is at vehicle floor height with the inner barrier (if applicable) down or retracted, gaps between the forward lift platform edge and the vehicle floor shall not exceed 1/2 inch horizontally and 5/8 inch vertically. Platforms on semi-automatic lifts may have a handhold not exceeding 1 1/2 inches by 4 1/2 inches located between the edge barriers.

8. Platform entrance ramp

The outboard entrance ramp or loading-edge barrier used as a ramp and the transition plate from the inboard edge of the platform to the vehicle floor shall not exceed a slope of 1:8, measured on level ground, for a maximum rise of three inches, and the transition from roadway or sidewalk to ramp may be vertical without edge treatment up to 1/4 inch. Thresholds between 1/4 inch and 1/2 inch high shall be beveled with a slope no greater than 1:2.

9. Platform deflection

The lift platform (not including the entrance ramp) shall not deflect more than three degrees (exclusive of vehicle roll or pitch) in any direction between its unloaded position and its position when loaded with 600 pounds applied through a 26 inches by 26 inches test pallet at the centroid of the platform.

10. Platform movement

No part of the platform shall move at a rate exceeding six inches per second while lowering and lifting an occupant, and shall not exceed 12 inches per second during deploying or stowing. This requirement does not apply to the deployment or stowage cycles of lifts that are manually deployed or stowed. The maximum platform horizontal and vertical acceleration when occupied shall be 0.3 g.

11. Boarding direction

The lift shall permit both inboard and outboard facing of wheelchair and mobility aid users.

12. Use by standees

Lifts shall accommodate persons who are using walkers, crutches, canes or braces, or who otherwise have difficulty using steps. The platform may be marked to indicate a preferred standing position.

13. Handrails

Platforms on lifts shall be equipped with handrails on two sides, which move in tandem with the lift, and which shall be graspable and provide support to standees throughout the entire lift operation. Handrails shall have a usable component at least eight inches long with the lowest portion a minimum of 30 inches above the platform and the highest portion a maximum of 38 inches above the platform. The handrails shall be capable of withstanding a force of 100 pounds concentrated at any point on the handrail without permanent deformation of the rail or its supporting structure. The handrail shall have a cross-sectional diameter between 1 1/4 inches and 1 1/2 inches or shall provide an equivalent grasping surface, and have eased edges with corner radii of not less than 1/8 inches. Handrails shall be placed to provide a minimum 1 1/2 inches knuckle clearance from the nearest adjacent surface. Handrails shall not interfere with wheelchair or mobility aid maneuverability when entering or leaving the vehicle.

14. Circuit breaker

A resettable circuit breaker shall be installed between the power source and the lift motor if electrical power is used. It shall be located as close to the power source as possible, but not within the passenger/driver compartment.

15. Excessive pressure

Lift design shall prevent excessive pressure that could damage the lift system when the platform is fully lowered or raised or that could jack the vehicle.

16. Documentation

The following information shall be provided with each vehicle equipped with a lift:

- (1) A phone number where information can be obtained about installation, repair and parts. (Detailed written instructions and a parts list shall be available upon request.)
- (2) Detailed instructions regarding use of the lift and readily visible when the lift door is open, including a diagram showing the proper placement and position-ing of wheelchair/mobility aids on lift.

17. Training materials

The lift manufacturer shall make available training materials to ensure the proper use and maintenance of the lift. These may include instructional videos, classroom curriculum, system test results or other related materials.

18. Identification and certification

Each lift shall be permanently and legibly marked or shall incorporate a non-removable label or tag that states that it conforms to all applicable requirements of the current National School Transportation Specifications and Procedures. In addition, the lift manufacturer or an authorized representative, upon request of the original titled purchaser, shall provide a notarized Certificate of Conformance, either original or photocopied, which states that the lift system meets all the applicable requirements of the current National School Transportation Specifications and Procedures.

C. Vehicle ramp

1. If a ramp is used, it shall be of sufficient strength and rigidity to support the special device, occupant and attendant(s). It shall be equipped with a protective flange on each longitudinal side to keep the special device on the ramp.
2. Floor of the ramp shall be constructed of non-skid material.
3. Ramp shall be equipped with handles and shall be of weight and design to permit one person to put the ramp in place and return it to its storage place.

4. Ramps used for emergency evacuation purposes may be installed in raised floor buses by manufacturers. They shall not be installed as a substitute for a lift when a lift is capable of servicing the need.

REGULAR SERVICE ENTRANCE

- A. On power lift-equipped vehicles, steps shall be the full width of the step well, excluding the thickness of the doors in the open position.
- B. A suitable device shall be provided to assist passengers during ingress or egress. This device shall allow for easy grasping or holding and shall have no openings or pinch points that might entangle clothing, accessories or limbs.

RESTRAINING DEVICES

- A. On power lift-equipped vehicles, seat frames may be equipped with attachments or devices to which belts, restraining harnesses or other devices may be attached. Attachment framework or anchorage devices, if installed, shall conform to FMVSS No. 210.
- B. Belt assemblies, if installed, shall conform to FMVSS No. 209.
- C. Child restraint systems, which are used to facilitate the transportation of children who in other modes of transportation would be required to use a child, infant or booster seat, shall conform to FMVSS No. 213.

SEATING ARRANGEMENTS

Flexibility in seat spacing to accommodate special devices shall be permitted to meet passenger requirements. All seating shall be forward-facing.

SECUREMENT AND RESTRAINT SYSTEM FOR WHEELCHAIR/MOBILITY AID AND OCCUPANT

For purposes of better understanding the various aspects and components of this section, the term *securement* or phrase *securement system* is used exclusively in reference to the device(s) which secures the wheelchair/mobility aid. The term *restraint* or phrase *restraint system* is used exclusively in reference to the device(s) used to restrain the occupant of the wheelchair/mobility aid. The phrase *securement and restraint system* is used to refer to the total system that secures and restrains both the wheelchair/mobility aid and the occupant.

A. Securement and restraint system—general

1. The Wheelchair/Mobility Aid Securement and Occupant Restraint System shall be designed, installed and operated to accommodate passengers in a forward-facing orientation within the bus and shall comply with all applicable requirements of FMVSS No. 222. Gurney-type devices shall be secured parallel to the side of the bus.
2. The securement and restraint system, including the system track, floor plates, pockets or other anchorages shall be provided by the same manufacturer or shall be certified to be compatible by manufacturers of all equipment/systems used.
3. When a wheelchair/mobility aid securement device and an occupant restraint share a common anchorage, including occupant restraint designs that attach the occupant restraint to the securement device or the wheelchair/mobility aid, the anchorage shall be capable of withstanding the loads of both the securement device and the occupant restraint applied simultaneously, in accordance with FMVSS No. 222. (See §B and §C of this section.)
4. When a wheelchair/mobility aid securement device (webbing or strap assembly) is shared with an occupant restraint, the wheelchair/mobility aid securement device (webbing or strap assembly) shall be capable of withstanding a force twice the amount specified in §4.4(a) of FMVSS No. 209. (See §B and §C of this section.)
5. The bus body floor and sidewall structures where the securement and restraint system anchorages are attached shall have equal or greater strength than the load requirements of the system(s) being installed.
6. The occupant restraint system shall be designed to be attached to the bus body either directly or in combination with the wheelchair/mobility aid securement system, by a method which prohibits the transfer of weight or force from the wheelchair/mobility aid to the occupant in the event of an impact.

7. Then an occupied wheelchair/mobility aid is secured in accordance with the manufacturer's instructions, the securement and restraint system shall limit the movement of the occupied wheelchair/mobility aid to no more than two inches in any direction under normal driving conditions.
8. The securement and restraint system shall incorporate an identification scheme that will allow for the easy identification of the various components and their functions. It shall consist of one of the following, or a combination thereof:
 - a. The wheelchair/mobility aid securement (webbing or strap assemblies) and the occupant restraint belt assemblies shall be of contrasting color or color shade.
 - b. The wheelchair/mobility aid securement device (webbing or strap assemblies) and occupant restraint belt assemblies may be clearly marked to indicate the proper wheelchair orientation in the vehicle, and the name and location for each device or belt assembly, i.e., front, rear, lap belt, shoulder belt, etc.
9. All attachment or coupling devices designed to be connected or disconnected frequently shall be accessible and operable without the use of tools or other mechanical assistance.
10. All securement and restraint system hardware and components shall be free of sharp or jagged areas and shall be of a non-corrosive material or treated to resist corrosion in accordance with §4.3(a) of FMVSS No. 209.
11. The securement and restraint system shall be located and installed such that when an occupied wheelchair/mobility aid is secured, it does not block access to the lift door.
12. A device for storage of the securement and restraint system shall be provided. When the system is not in use, the storage device shall allow for clean storage of the system, shall keep the system securely contained within the passenger compartment, shall provide reasonable protection from vandalism and shall enable the system to be readily accessed for use.
13. The entire securement and restraint system, including the storage device, shall meet the flammability standards established in FMVSS No. 302.

14. Each securement device (webbing or strap assembly) and restraint belt assembly shall be permanently and legibly marked or shall incorporate a non-removable label or tag that states that it conforms to all applicable FMVSS requirements, as well as the current National School Transportation Specifications and Procedures. In addition, the system manufacturer, or an authorized representative, upon request by the original titled purchaser, shall provide a notarized Certificate of Conformance, either original or photo copied, which states that the wheelchair/mobility aid securement and occupants' restraint system meets all requirements as specified in FMVSS No. 222 and the current National School Transportation Specifications and Procedures.
15. The following information shall be provided with each vehicle equipped with a securement and restraint system:
 - a. A phone number where information can be obtained about installation, repair, and parts. (Detailed written instructions and a parts list shall be available upon request.)
 - b. Detailed instructions regarding use, including a diagram showing the proper placement of the wheelchair/mobility aids and positioning of securement devices and occupant restraints, including correct belt angles.
16. The system manufacturer shall make available training materials to ensure the proper use and maintenance of the wheelchair/mobility aid securement and occupant restraint system. These may include instructional videos, classroom curriculum, system test results or other related materials.

B. Wheelchair/mobility aid securement system

1. Each location for the securement of a wheelchair/mobility aid shall have a minimum of four anchorage points. A minimum of two anchorage points shall be located in front of the wheelchair/mobility aid and a minimum of two anchorage points shall be located in the rear. The securement anchorages shall be attached to the floor of the vehicle and shall not interfere with passenger movement or present any hazardous condition.
2. Each securement system location shall have a minimum clear floor area of 30 inches by 48 inches. Additional floor area may be required for some applications. Consultation between the user and the manufacturer is recommended to ensure the adequate area is provided.

3. The securement system shall secure common wheelchair/mobility aids and shall be able to be attached easily by a person who has average dexterity and who is familiar with the system and wheelchair/mobility aid.
4. As installed, each securement anchorage shall be capable of withstanding a minimum force of 3,000 pounds when applied as specified in FMVSS No. 222. When more than one securement device shares a common anchorage, the anchorage shall be capable of withstanding the force indicated above, multiplied by the number of securement devices sharing that anchorage.
5. Each securement device, if incorporating webbing or a strap assembly, shall comply with the requirements for Type 1 lap belt systems, in accordance with §4.2, §4.3, and §4.4(a) of FMVSS No. 209.
6. The securement system shall secure the wheelchair/mobility aid in such a manner that the attachments or coupling hardware will not become detached when any wheelchair/mobility aid component deforms, when one or more tires deflate, and without intentional operation of a release mechanism (e.g., a spring clip on a securement hook).
7. Each securement device (webbing or strap assembly) shall be capable of withstanding a minimum force of 2,500 pounds when tested in accordance with FMVSS No. 209.
8. Each securement device (webbing or strap assembly) shall provide a means of adjustment, per the manufacturer's design, to remove slack from the device or assembly.

C. Occupant restraint system

1. A Type 2 lap/shoulder belt restraint system that meets all applicable requirements of FMVSS Nos. 209 and 210 shall provide for restraint of the occupant.
2. The occupant restraint system shall be made of materials that do not stain, soil or tear an occupant's clothing, and shall be resistant to water damage and fraying.
3. Each restraint system location shall have not less than one anchorage of manufacturer's design for the upper end of the upper torso restraint. The anchorage for each occupant's upper torso restraint shall be capable of withstanding a minimum force of 1,500 pounds when applied as specified in FMVSS No. 222.

4. Each wheelchair/mobility aid location shall have not less than two floor anchor the occupant pelvic restraint and the connected upper torso restraint.
 - a. Each floor anchorage shall be capable of withstanding a minimum force of 3,000 pounds when applied as specified in FMVSS No. 222.
 - b. When more than one occupant restraint shares a common anchorage, the anchorage shall be capable of withstanding a minimum force of 3,000 pounds multiplied by the number of occupant restraints sharing the common anchor-age in accordance with FMVSS No. 222.
5. Each floor and wall anchorage that secures the occupant restraint to the vehicle which is not permanently attached, shall be of a "positive latch" design and shall not allow for any accidental disconnection.

D. Dynamic testing

1. The wheelchair/mobility aid securement and occupant restraint system shall be subjected to and successfully pass a dynamic sled test at a minimum impact speed/deceleration of 30 mph/20g's.
2. The dynamic test shall be performed by experienced personnel using an impact simulator with proven ability to provide reliable, accurate test results that can be replicated.
3. The dynamic test shall be performed in accordance with the procedures set forth in Appendix A of SAE J2249: "Test for Frontal Impact Crash Worthiness."
4. The wheelchair/mobility aid used for testing purposes shall be a rigid, reusable surrogate wheelchair that complies with the requirements of Appendix D of SAE J2249: "Specification for Surrogate Wheelchair."
5. The dynamic test shall be performed using system assemblies, components and attaching hardware that are identical to the final installation in type, configuration and positioning. The body structure at the anchorage points may be simulated for the purpose of the sled test.

6. When tested, the wheelchair/mobility aid securement and occupant restraint system shall pass the criteria specified in Section 6.2 of SAE J2249: "Performance Requirements of Frontal Sled Impact Test." Following is an abridged summary of the criteria presented in Appendix D.
 - a. Retain the test dummy in the test wheelchair and on the test sled with the test wheelchair in an upright position.
 - b. Do not show any fragmentation or complete separation of any load carrying part.
 - c. Do not allow the horizontal excursions of the test dummy and the test wheel-chair to exceed specified limits.
 - d. Prevent the test wheelchair from imposing forward loads on the test dummy.
 - e. Allow removal of the test dummy and the test wheelchair subsequent to the test, without the use of tools.

SPECIAL LIGHT

Doorways in which lifts are installed shall have for use during lift operation a special light providing a minimum of two foot-candles of illumination measured on the floor of the bus immediately adjacent to the lift and on the lift when deployed at the vehicle floor level.

SPECIAL SERVICE ENTRANCE

- A. Power lift-equipped bodies shall have a special service entrance to accommodate the power lift.

Exception: If the lift is designed to operate within the regular service entrance, and is capable of stowing such that the regular service entrance is not blocked in any way, and that persons entering or exiting the bus are not impeded in any way, a special service entrance shall not be required.

- B. The special service entrance and door shall be located on the right side of the bus and shall be designed so as not to obstruct the regular service entrance.

Exception: A special service entrance and door may be located on the left side of the bus only if the bus is used primarily to deliver students to the left side of one-way streets and its use is limited to that function.

- C. The opening may extend below the floor through the bottom of the body skirt. If such an opening is used, reinforcements shall be installed at the front and rear of the floor opening to support the floor and give the same strength as other floor openings.
- D. A drip molding shall be installed above the opening to effectively divert water from the entrance.
- E. Door posts and headers at the entrance shall be reinforced sufficiently to provide support and strength equivalent to the areas of the side of the bus not used for the special service entrance.

SPECIAL SERVICE ENTRANCE DOORS

- A. A single door or double doors may be used for the special service entrance.
- B. A single door shall be hinged to the forward side of the entrance unless doing so would obstruct the regular service entrance. If the door is hinged to the rearward side of the doorway, the door shall utilize a safety mechanism which will prevent the door from swinging open should the primary door latch fail. If double doors are used, the system shall be designed to prevent the door(s) from being blown open by the wind resistance created by the forward motion of the bus, and/or shall incorporate a safety mechanism to provide secondary protection should the primary latching mechanism(s) fail.
- C. All doors shall have positive fastening devices to hold doors in the "open" position.
- D. All doors shall be weather sealed.
- E. When manually operated dual doors are provided, the rear door shall have at least a one-point fastening device to the header. The forward-mounted door shall have at least three one-point fastening devices. One shall be to the header, one to the floor line of the body, and the other shall be into the rear door. The door and hinge mechanism shall be of a strength that is greater than or equivalent to the emergency exit door.

- F. Door materials, panels and structural strength shall be equivalent to the conventional service and emergency doors. Color, rub rail extensions, lettering and other exterior features shall match adjacent sections of the body.
- G. Each door shall have windows set in rubber that are visually similar in size and location to adjacent non-door windows. Glazing shall be of the same type and tinting (if applicable) as standard fixed glass in other body locations.
- H. Door(s) shall be equipped with a device that will actuate an audible or flashing signal located in the driver's compartment when the door(s) is not securely closed and the ignition is in the "on" position.
- I. A switch shall be installed so that the lifting mechanism will not operate when the lift platform door(s) is closed.
- J. Special service entrance doors shall be equipped with padding at the top edge of the door opening. Padding shall be at least three inches wide and one inch thick and shall extend the full width of the door opening.

SUPPORT EQUIPMENT AND ACCESSORIES

- A. Each bus that is set up to accommodate wheelchair/mobility aids or other assistive or restraint devices that utilize belts shall contain at least one belt cutter properly secured in a location within reach of the driver while belted into his/her driver's seat. The belt cutter shall be durable and designed to eliminate the possibility of the operator or others being cut during use.
- C. Special equipment or supplies that are used on the bus for mobility assistance, health support or safety purposes shall meet any local, federal or engineering standards that may apply, including proper identification.

Equipment that may be used for these purposes includes, but is not limited to:

1. Wheelchairs and other mobile seating devices. (See section on Securement and Restraint System for Wheelchair/Mobility Aid and Occupant.)
2. Crutches, walkers, canes and other ambulating devices.

3. Medical support equipment. This may include respiratory devices such as oxygen bottles (which should be no larger than 22 cubic feet for liquid oxygen and 38 cubic feet for compressed gas) or ventilators. Tanks and valves should be located and positioned to protect them from direct sunlight, bus heater vents or other heat sources. Other equipment may include intravenous and fluid drainage apparatus.
- C. All portable equipment and special accessory items, including the equipment listed above, shall be secured at the mounting location to withstand a pulling force of five times the weight of the item or shall be retained in an enclosed, latched compartment. The compartment shall be capable of withstanding forces applied to its interior equal to five times the weight of its contents without failure of the box's integrity and securement to the bus. Exception: If these specifications provide specific requirements for securement of a particular type of equipment, the specific specification shall prevail (e.g., wheelchairs).

TECHNOLOGY AND EQUIPMENT, NEW

It is the intent of these specifications to accommodate new technologies and equipment that will better facilitate the transportation of students with special needs. When a new technology, piece of equipment or component is desired to be applied to the school bus and it meets the following criteria, it is acceptable:

- A. The technology, equipment or component shall not compromise the effectiveness or integrity of any major safety system. (Examples of safety systems include, but are not limited to, compartmentalization, the eight-lamp warning system, emergency exits and the yellow color scheme.)
- B. The technology, equipment or component shall not diminish the safety of the interior of the bus.
- C. The technology, equipment or component shall not create additional risk to students who are boarding or exiting the bus or are in or near the school bus loading zone.
- D. The technology, equipment or component shall not require undue additional activity and/or responsibility for the driver.
- E. The technology, equipment or component shall generally increase efficiency and/or safety of the bus, generally provide for a safer or more pleasant experience for the occupants and pedestrians in the vicinity of the bus or shall generally assist the driver and make his/her many tasks easier to perform.

KANSAS STATUTES ANNOTATED

8-126. DEFINITIONS.

The following words and phrases when used in this act shall have the meanings respectively ascribed to them herein:

- (a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.
- (b) "Motor vehicle" means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.
- (c) "Truck" means a motor vehicle which is used for the transportation or delivery of freight and merchandise or more than 10 passengers.
- (d) "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.
- (e) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.
- (f) "Farm tractor" means every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the structural design of such power unit.
- (g) "Road tractor" means every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently, or any part of the weight of a vehicle or load so drawn.
- (h) "Trailer" means every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.
- (i) "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

- (j) "Pole trailer" means any two-wheel vehicle used as a trailer with bolsters that support the load, and do not have a rack or body extending to the tractor drawing the load.
- (k) "Specially constructed vehicle" means any vehicle which shall not have been originally constructed under a distinctive name, make, model or type, or which, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.
- (l) "Foreign vehicle" means every motor vehicle, trailer or semitrailer which shall be brought into this state otherwise than in ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.
- (m) "Person" means every natural person, firm, partnership, association or corporation.
- (n) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of 30 days or more with an immediate right of possession vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this act.
- (o) "Nonresident" means every person who is not a resident of this state.
- (p) "Manufacturer" means every person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.
- (q) "New vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging new motor vehicles, travel trailers, trailers or vehicles and who holds a dealer's contract therefor from a manufacturer or distributor and who has an established place of business in this state.
- (r) "Used vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging used vehicles, and having an established place of business in this state and who does not hold a dealer's contract for the sale of new motor vehicles, travel trailers, trailers or vehicles.
- (s) "Highway" means every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions.

- (t) "Department" or "motor vehicle department" or "vehicle department" means the division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents.
- (u) "Commission" or "state highway commission" means the director of vehicles of the department of revenue.
- (v) "Division" means the division of vehicles of the department of revenue.
- (w) "Travel trailer" means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes and measuring eight feet or less in width.
- (x) "Passenger vehicle" means every motor vehicle, as herein defined, which is designed primarily to carry 10 or fewer passengers, and which is not used as a truck.
- (y) "Self-propelled farm implement" means every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.
- (z) "Farm trailer" means every trailer as defined in subsection (h) of this section and every semitrailer as defined in subsection (i) of this section, designed and used primarily as a farm vehicle.
- (aa) "Motorized bicycle" means every device having two tandem wheels or three wheels, which may be propelled by either human power or helper motor, or by both, and which has: A motor which produces not more than 3.5 brake horsepower; a cylinder capacity of not more than 50 cubic centimeters; an automatic transmission; and the capability of a maximum design speed of no more than 30 miles per hour.
- (bb) "All-terrain vehicle" means any motorized non highway vehicle 45 inches or less in width, having a dry weight of 650 pounds or less, traveling on three or more low-pressure tires, having a seat designed to be straddled by the operator. As used in this subsection, low-pressure tire means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 12 inches or less, and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.
- (cc) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to:
 - (1) A farm tractor;

- (2) a self-propelled farm implement;
 - (3) a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership;
 - (4) a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;
 - (5) a mixer-feed truck owned and used by a feedlot, as defined in K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing food to livestock in such feedlot.
- (dd) "Motorized wheelchair" means any self-propelled vehicle designed specifically for use by a physically disabled person that is incapable of a speed in excess of 15 miles per hour.
- (ee) "Oil well servicing, oil well clean-out or oil well drilling machinery or equipment" means a vehicle constructed as a machine used exclusively for servicing, cleaning-out or drilling an oil well and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for one or more of those purposes. The passenger capacity of the cab of a vehicle shall not be considered in determining whether such vehicle is an oil well servicing, oil well clean-out or oil well drilling machinery or equipment.

History: L. 1929, ch. 81, § 1; L. 1937, ch. 72, § 1; L. 1955, ch. 294, § 1; L. 1956, ch. 48, § 1; L. 1957, ch. 57, § 1; L. 1968, ch. 411, § 1; L. 1972, ch. 342, § 29; L. 1973, ch. 25, § 1; L. 1975, ch. 426, § 27; L. 1977, ch. 28, § 1; L. 1978, ch. 29, § 1; L. 1982, ch. 36, § 2; L. 1984, ch. 26, § 1; L. 1984, ch. 27, § 1; L. 1984, ch. 28, § 1; L. 1985, ch. 42, § 1; L. 1988, ch. 40, § 1; L. 1991, ch. 33, § 13; L. 1992, ch. 166, § 1; L. 1994, ch. 235, § 1; L. 1996, ch. 220, § 3; L. 1997, ch. 119, § 1; July 1.

8-128. REGISTRATION OF VEHICLES, EXCEPTIONS.

- (a) The following need not be registered under this act:
- (1) Implement of husbandry;
 - (2) all-terrain vehicles;
 - (3) road rollers and road machinery temporarily operated or moved upon the highways;

- (4) municipally owned fire trucks;
 - (5) privately owned fire trucks subject to a mutual aid agreement with a municipality; or
 - (6) school buses owned and operated by a school district or a nonpublic school which have the name of the municipality, school district or nonpublic school plainly painted thereon.
- (b) Self-propelled cranes and earth moving equipment which are equipped with pneumatic tires may be moved on the highways of this state from one job location to another, or to or from places of storage delivery or repair, without complying with the provisions of the law relating to registration and display of license plates but shall comply with all the other requirements of the law relating to motor vehicles and shall not be operated on state maintained roads or highways on Sundays or any legal holidays except Lincoln's birthday, Washington's birthday or Columbus day.
- (c) Oil well servicing, oil well clean-out or oil well drilling machinery or equipment need not be registered under this act but shall comply with all the other requirements of the law relating to motor vehicles.

History: L. 1929, ch. 81, §6; L. 1933, ch. 72, § 1; L. 1957, ch. 58, § 1; L. 1961, ch. 46, § 1; L. 1967, ch. 57, § 5; L. 1972, ch. 19, § 1; L. 1976, ch. 40, §3; L. 1977, ch. 29, § 1; L. 1980, ch. 30, § 1; L. 1981, ch. 34, § 1; L. 1984, ch. 27, § 2; L. 1988, ch. 40, §2; L. 1994, ch. 235, § 2; L. 1995, ch. 61, §1; L. 1996, ch. 220, § 4; L. 1997, ch. 119, §2; July 1.

8-2,128. DEFINITIONS. As used in this act:

- (a) "Alcohol" means any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol and isopropanol;
- (b) "alcohol concentration" means:
 - (1) The number of grams of alcohol per 100 milliliters of blood; or
 - (2) the number of grams of alcohol per 210 liters of breath;
- (c) "commercial driver's license" means a commercial license issued pursuant to K.S.A. 8-234b, and amendments thereto;
- (d) "commercial driver license system" means the information system established pursuant to the commercial motor vehicle safety act of 1986 to serve as a clearinghouse for locating Information related to the licensing and identification of commercial motor vehicle drivers;

- (e) "instruction permit" means a permit issued pursuant to K.S.A. 8- 294, and amendments thereto;
- (f) "commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property, if:
 - (1) The vehicle has a gross vehicle weight rating of 26,001 or more pounds or such lesser rating, as determined by rules and regulations adopted by the secretary, but shall not be more restrictive than the federal regulation;
 - (2) the vehicle is designed to transport 16 or more passengers, including the driver; or
 - (3) the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. 172, subpart F;
- (g) "controlled substance" means any substance so classified under K.S.A. 65-4101, and amendments thereto;
- (h) "conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law and in a court of original jurisdiction or an administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated;
- (i) "disqualification" means a prohibition against driving a commercial motor vehicle, including the suspension, revocation or cancellation of the privilege to drive a commercial motor vehicle;
- (j) "drive" means to drive, operate or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic. For purposes of K.S.A. 8-2,137, 8-2,138, 8-2,142, 8-2,144 and 8-2,145, and amendments thereto, "drive" includes operation or physical control of a motor vehicle anywhere in the state;
- (k) "driver" means any person who drives, operates or is in physical control of a commercial motor vehicle, in any place open to the general public for purposes of vehicular traffic, or who is required to hold a commercial driver's license;
- (l) "driver's license" means any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state, including:
 - (1) Any temporary license or instruction;

- (2) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; or
- (3) any nonresident's operating privilege;
- (m) "employer" means any person, including the United States, a state or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle;
- (n) "endorsement" means an authorization to an individual's commercial driver's license required to permit the individual to operate certain types of commercial motor vehicles;
- (o) "felony" means any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year;
- (p) "gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle. The gross vehicle weight rating of a combination (articulated) vehicle (commonly referred to as the "gross combination weight rating") is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of the towed unit or units;
- (q) "hazardous materials" has the meaning as that found in section 103 of the hazardous materials transportation act, 49 U.S.C. 1801 *et seq*;
- (r) "motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs;
- (s) "out-of-service order" means a temporary prohibition against driving a commercial motor vehicle, which is imposed when a driver has any measured or detected alcohol concentration while on duty, or operating, or in physical control of a commercial motor vehicle or a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle or a motor carrier operation, is out-of-service pursuant to 49 C.F.R. Part 386.72, 392.5, 395.13, 396.9 or such compatible laws, or the North American out-of-service criteria;
- (t) "residence" means the place which is adopted by a person as the person's place of habitation and to which, whenever the person is absent, the person has the intention of returning. When a person eats at one place and sleeps at another, the place where the person sleeps shall be considered the person's residence;
- (u) "secretary" means the secretary of the Kansas department of revenue;

(v) “serious traffic violation” means:

- (1) Excessive speeding, is defined as 15 miles per hour or more over the posted speed limit;
- (2) reckless driving, as defined under K.S.A. 8-1566, and amendments thereto;
- (3) a violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person;
- (4) changing lanes of traffic illegally or erratically, as defined under K.S.A. 8-1548, and amendments thereto;
- (5) following another vehicle too closely, as defined under K.S.A. 8-1523, and amendments thereto;
- (6) a violation of subsection (a) of K.S.A. 8-2,132, and amendments thereto; or
- (7) any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, which the secretary determines by rule and regulation to be serious;

(w) “state” means a state of the United States and the District of Columbia;

(x) “state of domicile” means that state where a person has such person’s true, fixed and permanent home and principal residence and to which such person has the intention of returning whenever such person is absent;

(y) “tank vehicle” means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks, as defined in 49 C.F.R. 171. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons;

(z) “United States” means the 50 states and the District of Columbia;

(aa) “division” means the division of vehicles of the Kansas department of revenue;

(bb) “director” means the director of the division of vehicles of the Kansas department of revenue;

(cc) “foreign country” means any jurisdiction other than the United States;

- (dd) “nonresident commercial driver’s license” means a license issued pursuant to K.S.A. 8-2,148, and amendments thereto.;
- (ee) “fatality” means the death of a person as a result of a motor vehicle accident;
- (ff) “noncommercial motor vehicle” means a motor vehicle or combination of motor vehicles not defined by the term commercial motor vehicle in subsection (f);
- (gg) “school bus” means 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. (L. 1989, ch. 38, Sec. 4; L. 1990, ch. 41, Sec. 6; L. 1991, ch. 36,

History: Sec. 15; L. 1994, ch. 186, Sec. 2; L. 1995, ch. 190, Sec. 2; L. 1997, ch. 101, Sec. 2; L. 2003, ch. 42, Sec. 3; April 17.)

8-2,132. SAME; DRIVER OF COMMERCIAL VEHICLE MUST HAVE A COMMERCIAL CLASS DRIVER’S LICENSE TO OPERATE VEHICLE; PENALTY.

- (a) On and after April 1, 1992, except when driving under a commercial class A, B or C or class A or B instruction permit or a valid class C license and accompanied by the holder of a commercial driver’s license valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person has a valid commercial driver’s license and is in immediate possession thereof and applicable endorsements valid for the vehicle they are driving, except that no person charged with violating this subsection shall be convicted if such person produces in court or the office of the arresting officer a commercial driver’s license issued to such person and valid at the time of the arrest.
- (b) No person shall drive a commercial motor vehicle while their driving privilege is suspended, revoked or canceled, while subject to a disqualification or in violation of an out-of-service order.
- (c) Any commercial driver in violation of this section shall be guilty of a class B misdemeanor.

History: L. 1989, ch. 38, § 8; L. 1990, ch. 45, § 1; July 1.

8-2,133. SAME; ISSUANCE OF LICENSE; KNOWLEDGE AND SKILLS TEST.

- (a) Except as provided in K.S.A. 8-2,146, and amendments thereto, or as provided in K.S.A. 8-2,148, and amendments thereto, no person may be issued a commercial driver's license unless that person is a resident of this state and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by 49 C.F.R. 383, subparts G and H, and has satisfied all other requirements of the commercial motor vehicle safety act in addition to other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the secretary, except that the secretary may accept the results of a person's knowledge test conducted in another state if such test complies with minimum federal standards;
- (b) the secretary may authorize a person, including an agency of this or another state, an employer, a private driver training facility or other private institution, or a department, agency or instrumentality of local government, to administer the skills test specified by this section, if:
- (1) The test is the same which would otherwise be administered by the state; and
 - (2) the third party has entered into an agreement with the state which complies with requirements of 49 C.F.R. 383.75.
- (c) A commercial driver's license or commercial driver's instruction permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked or canceled in any state; nor shall a commercial driver's license be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state for cancellation.

History: (L. 1989, ch. 38 Sec. 9; L. 1990, ch. 41, Sec. 7; L. 1991, ch. 36, Sec. 16; L. 1992, ch. 310, Sec. 4; L. 1994 ch. 186, Sec. 3; L. 1995 ch. 190, Sec. 4; L. 2003, ch., 42, Sec. 5; April 17.)

**8-2,135. SAME; COMMERCIAL DRIVER'S LICENSE, CONTENTS;
ENDORSEMENTS OR RESTRICTIONS; EXPIRATION; RENEWAL.**

- (a) The commercial driver's license shall be marked "commercial driver's license" or "CDL," and must be, to the maximum extent practicable, tamper proof. It shall include, but not be limited to, the following information:
- (1) The requirements set out in K.S.A. 8-243, and amendments thereto;
 - (2) the person's social security number or any number or identifier deemed appropriate by the state licensing authority;

- (3) the class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restriction;
 - (4) the name of this state; and
 - (5) the dates between which the license is valid.
- (b) Commercial drivers' licenses issued pursuant to K.S.A. 8-234b, and amendments thereto, may be issued with the following endorsements or restrictions; and the holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued, and all lesser classes of vehicles, except motorcycles and vehicles which require an endorsement, unless the proper endorsement appears on the license;
- (1) "H"—authorizes the driver to drive a vehicle transporting hazardous materials;
 - (2) "L"—restricts the driver to vehicles not equipped with airbrakes;
 - (3) "T"—authorizes driving double and triple trailers;
 - (4) "P"—authorizes driving vehicles carrying passengers;
 - (5) "N"—authorizes driving tank vehicles;
 - (6) "X"—represents a combination of hazardous materials and tank vehicle endorsements.;
 - (7) "S"—authorizes driving school buses.
- (c) Before issuing a commercial driver's license, the division must obtain driving record information through the commercial driver license information system, the national driver register and from each state in which the person has been licensed.
- (d) Within 10 days after issuing a commercial driver's license, the division shall notify the commercial driver license information system of that fact, providing all information required to ensure identification of the person.

- (e) All original licenses issued after April 1, 1992, shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application. All renewals thereof shall expire on every fourth anniversary of the date of birth of the licensee. No driver's license shall expire in the same calendar year in which the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire at midnight on every fourth anniversary of the date of birth of the applicant. At least 30 days prior to the expiration of a person's license, the division shall mail a notice of expiration or renewal application to such person at the address shown on the license.
- (f) When applying for renewal of a commercial driver's license, the applicant must complete the test required in subsection (e) of K.S.A. 8-247, and amendments thereto, and the application form required by subsection (b) of K.S.A. 8-2,134, and amendments thereto, providing updated information and required certifications and if the applicant wishes to retain a hazardous materials endorsement, the applicant must take and pass the test for such endorsement.

History: (L. 1989, ch. 38, Sec. 11; L. 1990, ch. 41, Sec. 8; L. 1995, ch. 190, Sec. 5; L. 2003, ch. 42, Sec. 6; April 17.)

8-2,137. SAME; TESTS FOR ALCOHOL OR DRUGS; CONSENT IMPLIED.

- (a) A person who drives a commercial motor vehicle within this state is deemed to have given consent, subject to provisions of K.S.A. 8-1001 *et seq.*, and amendments thereto, and K.S.A. 8-1567, and amendments thereto, to take a test or tests of that person's blood, breath or urine for the purpose of determining that person's alcohol concentration or the presence of other drugs.
- (b) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that driver was driving a commercial motor vehicle while having alcohol or other drugs in such person's system.

History: L. 1989, ch. 38, § 13; July 1.

8-2,138. SAME; NOTIFICATION OF CONVICTION OF TRAFFIC CONTROL TO LICENSING STATE.

Within 10 days after receiving a report of the conviction of any nonresident holder of a commercial driver's license for any violation of state law or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the division shall notify the driver licensing authority in the licensing state of the conviction.

History: L. 1989, ch. 38, § 14; July 1.

8-2,142. SAME; DISQUALIFICATION FROM DRIVING COMMERCIAL VEHICLE; SUSPENSION, REVOCATION OR CANCELLATION OF LICENSE.

- (a) A person is disqualified from driving a commercial motor vehicle for a period of not less than one year upon a first occurrence of any one of the following:
 - (1) While operating a commercial motor vehicle:
 - (A) The person is convicted of violating K.S.A. 8-2,144, and amendments thereto;
 - (B) the person is convicted of violating subsection (b) of K.S.A. 8-2,132, and amendments thereto;
 - (C) the person has caused a fatality through the negligent operation of a commercial motor vehicle; or
 - (D) the person's test refusal or test failure, as defined in subsection (k); or
 - (2) while operating a noncommercial motor vehicle:
 - (A) The person is convicted of a violation of K.S.A. 8-1567, and amendments thereto; or
 - (B) the person's test refusal or test failure, as defined in K.S.A. 8-1013, and amendments thereto; or
 - (3) while operating any motor vehicle:
 - (A) The person is convicted of leaving the scene of an accident; or
 - (B) the person is convicted of a felony, other than a felony described in subsection (e), while using a motor vehicle to commit such felony.
- (b) If any offenses, test refusal or test failure specified in subsection (a) occurred in a commercial motor vehicle while transporting a hazardous material required to be placarded, the person is disqualified for a period of not less than three years.
- (c) A person shall be disqualified for life upon the second or a subsequent occurrence of any offense, test refusal or test failure specified in subsection (a), or any combination thereof, arising from two or more separate incidents.

- (d) The secretary of revenue may adopt rules and regulations establishing guidelines, including conditions, under which a disqualification for life under subsection (c) may be reduced to a period of not less than 10 years.
- (e) A person is disqualified from driving a commercial motor vehicle for life who uses a commercial motor vehicle *or* noncommercial motor vehicle in the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance.
- (f) A person is disqualified from driving a commercial motor vehicle for a period of not less than 60 days if convicted of two serious traffic violations, or 120 days if convicted of three or more serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three-year period.
- (g) A person is disqualified from driving a commercial motor vehicle for a period of not less than 60 days if convicted of two serious traffic violations, or 120 days if convicted of three or more serious traffic violations, committed in a noncommercial motor vehicle arising from separate incidents occurring within a three-year period, if such convictions result in the revocation, cancellation or suspension of the person's driving privileges.
- (h) (1) A person who is convicted of operating a commercial motor vehicle in violation of an out-of-service order shall be disqualified from driving a commercial motor vehicle for a period of not less than:
 - (A) Ninety days nor more than one year, if the driver is convicted of a first violation of an out-of-service order;
 - (B) one year nor more than five years if, during any 10-year period, the driver is convicted of two violations of out-of-service orders in separate incidents; or
 - (C) three years nor more than five years if, during any 10-year period, the driver is convicted of three or more violations of out-of-service orders in separate incidents.
- (2) A person who is convicted of operating a commercial motor vehicle in violation of an out-of-service order while transporting a hazardous material required to be placarded under 49 U.S.C. 5101 et seq. or while operating a motor vehicle designed to transport more than 15 passengers, including the driver, shall be disqualified from driving a commercial motor vehicle for a period of not less than:
 - (A) One hundred and eighty days nor more than two years if the driver is convicted of a first violation of an out-of-service order; or

(B) three years nor more than five years if, during any 10-year period, the driver is convicted of any subsequent violations of out-of-service orders in separate incidents.

(i) (1) A person who is convicted of operating a commercial motor vehicle in violation of a federal, state or local law or regulation pertaining to one of the following six offenses at a railroad-highway grade crossing shall be disqualified from driving a commercial motor vehicle for the period of time specified in paragraph (2):

(A) For persons who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train;

(B) for persons who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear;

(C) for persons who are always required to stop, failing to stop before driving onto the crossing;

(D) for all persons failing to have sufficient space to drive completely through the crossing without stopping;

(E) for all persons failing to obey a traffic control device or the directions of an enforcement official at the crossing; or

(F) for all persons failing to negotiate a crossing because of insufficient undercarriage clearance.

(2) A driver shall be disqualified from driving a commercial motor vehicle for not less than:

(A) Sixty days if the driver is convicted of a first violation of a railroad- highway grade crossing violation;

(B) one hundred and twenty days if, during any three-year period, the driver is convicted of a second railroad-highway grade crossing violation in separate incidents; or

(C) one year if, during any three-year period, the driver is convicted of a third or subsequent railroad-highway grade crossing violation in separate incidents.

(j) After suspending, revoking or canceling a commercial driver's license, the division shall update its records to reflect that action within 10 days. After suspending, revoking or canceling a nonresident commercial driver's privileges, the division shall notify the licensing authority of the state which issued the commercial driver's license or nonresident commercial driver's license within 10 days.

- (k) Upon suspension, revocation, cancellation or disqualification of a commercial driver's license under this act, the license shall be immediately surrendered to the division if still in the licensee's possession. If otherwise eligible, and upon payment of the required fees, the licensee may be issued a noncommercial driver's license for the period of suspension, revocation, cancellation or disqualification of the commercial driver's license under the same identifier number.
- (l) As used in this section, "test refusal" means a person's refusal to submit to and complete a test requested pursuant to K.S.A. 8-2,145, and amendments thereto; "test failure" means a person's submission to and completion of a test which determines that the person's alcohol concentration is .04 or greater, pursuant to K.S.A. 8-2,145, and amendments thereto.

History: L. 1989, ch. 38, Sec. 18; L. 1991, ch. 36, Sec. 17; L. 2003, ch. 42, Sec. 7; April 17.)

8-2,144. COMMERCIAL MOTOR VEHICLES; DRIVING UNDER INFLUENCE OF ALCOHOL OR DRUGS; BLOOD ALCOHOL CONCENTRATION; PENALTIES.

- (a) No person shall drive any commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, within this state while:
 - (1) The alcohol concentration in the person's blood or breath, as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of subsection (f) of K.S.A. 8-1013, and amendments thereto, is .04 or more;
 - (2) the alcohol concentration in the person's blood or breath, as measured within two hours of the time of driving a commercial motor vehicle, is .04 or more; or
 - (3) committing a violation of subsection (a) of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county which prohibits any of the acts prohibited thereunder.
- (b) Violation of this section is a misdemeanor. In addition to any penalties ordered under K.S.A. 8-1567, and amendments thereto, the person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months imprisonment, and fined not less than \$200 nor more than \$500.
- (c) The court shall report every conviction of a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state.

- (d) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2,142, and amendments thereto.
- (e) For the purpose of this section, "alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

History: L. 1991, ch. 36, § 1; May 30.

8-2,149. COMMERCIAL DRIVER'S LICENSES; SCHOOL BUS ENDORSEMENT; WAIVER OF DRIVING SKILLS TEST; REQUIREMENTS.

- (a) Until September 30, 2005, the driving skills test required under 49 C.F.R. 383.123 may be waived for an applicant for a school bus endorsement, if such applicant is currently licensed, has experience driving a school bus, has a good driving record and meets the conditions contained in subsection (b).
 - (b) An applicant must certify and the division must verify that, during the two-year period immediately prior to applying for the school bus endorsement, the applicant:
 - (1) Held a valid commercial driver's license with a passenger vehicle endorsement to operate a school bus representative of the group the application will be driving;
 - (2) has not had such applicant's driver's license or commercial driver's license suspended, revoked or canceled or been disqualified from operating a commercial motor vehicle;
 - (3) has not been convicted of any of the disqualifying offenses in subsection (a) or (e) of K.S.A. 8-2,142, and amendments thereto;
 - (4) has not had more than one conviction of any of the serious traffic violations defined in K.S.A. 8-2,128, and amendments thereto, while operating any type motor vehicle;
 - (5) has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident;
 - (6) has not been convicted of any motor vehicle traffic violation that resulted in an accident; and
 - (7) has been regularly employed as a school bus driver, has operated a school bus representative of the group the applicant seeks to drive and provides evidence of such employment.

(c) The provisions of this section shall be a part of and supplemental to the Kansas uniform commercial drivers' license act.

History: (L. 2003, ch. 42, Sec. 1; April 17.)

8-2.150. COMMERCIAL DRIVER'S LICENSES; DIVERSION AGREEMENTS NOT ALLOWED.

- (a) A driver may not enter into a diversion agreement in lieu of further criminal proceedings that would prevent such driver's conviction for any violation, in any type of motor vehicle, of a state or local traffic control law, except a parking violation, from appearing on the driver's record, whether the driver was convicted for an offense committed in the state where the driver is licensed or another state.
- (b) The provisions of this section shall be a part of and supplemental to the Kansas uniform commercial drivers' license act.

History: (L. 2003, ch. 42, Sec. 2; April 17.)

8-234b. CLASSES OF DRIVERS' LICENSES; APPLICATIONS FOR ORIGINAL LICENSES; EXAMINATIONS; RULES AND REGULATIONS.

- (a) Every original driver's license issued by the division shall indicate the class or classes of motor vehicles which the licensee is entitled to drive. For this purpose the following classes are established:
 - (1) Commercial class A motor vehicles include any combination of vehicles with a gross combination weight rating of 26,001 pounds or more, providing the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds;
 - (2) commercial class B motor vehicles include any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight rating;
 - (3) commercial class C motor vehicles include any single vehicle less than 26,001 pounds gross vehicle weight rating, or any such vehicle towing a vehicle not in excess of 10,000 pounds, or any vehicle less than 26,001 pounds gross vehicle weight rating towing a vehicle in excess of 10,000 pounds gross vehicle weight rating, provided the gross combination weight rating of the combination is less than 26,001 pounds comprising:

- (A) Vehicles designed to transport 16 or more passengers, including the driver; or
 - (B) vehicles used in the transportation of hazardous materials which requires the vehicle to be placarded;
- (4) class A motor vehicles include any combination of vehicles with a gross combination weight rating of 26,001 pounds or more, provided the gross combination weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds, and all other lawful combinations of vehicles with a gross combination weight rating of 26,001 pounds, or more; except that, class A does not include a combination of vehicles that has a truck registered as a farm truck under subsection (2) of K.S.A. 8-143, and amendments thereto;
- (5) class B motor vehicles include any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight rating. Class B motor vehicles do not include a single vehicle registered as a farm truck under subsection (2) of K.S.A. 8-143, and amendments thereto, when such farm truck has a gross vehicle weight rating of 26,001 pounds, or more; or any fire truck operated by a volunteer fire department;
- (6) class C motor vehicles include any single vehicle with a gross vehicle weight rating less than 26,001 pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle weight rating, or any vehicle with a less than 26,001 gross vehicle weight rating towing a vehicle in excess of 10,000 pounds gross vehicle weight rating, provided the gross combination weight rating of the combination is less than 26,001 pounds, or any single vehicle registered as a farm truck under subsection (2) of K.S.A. 8-143, and amendments thereto, when such farm truck has a gross vehicle weight rating of 26,001 pounds, or more, or any fire truck operated by a volunteer fire department; and
- (7) class M motor vehicles includes motorcycles.

As used in this subsection, "gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle. The gross vehicle weight rating of a combination (articulated) vehicle, commonly referred to as the gross combination weight rating, is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of the towed unit or units.

- (b) Every applicant for an original driver's license shall indicate on such person's application the class or classes of motor vehicles for which the applicant desires a license to drive, and the division shall not issue a driver's license to any person unless such person has demonstrated satisfactorily ability to exercise ordinary and reasonable control in the operation of motor vehicles in the class or classes for which the applicant desires a license to drive. The division shall administer an appropriate examination of each applicant's ability to drive such motor vehicles. Except as provided in K.S.A. 8-2,125 through 8-2,142, and amendments thereto, the director of vehicles may accept a copy of the certificate of a person's road test issued to an individual under the regulatory requirements of the United States department of transportation, in lieu of requiring the person to demonstrate ability to operate any motor vehicle or combination of vehicles, if such certificate was issued not more than three years prior to the person's application for a driver's license.
- (c) Any person who is the holder of a valid driver's license which entitles the person to drive class A motor vehicles may also drive class B and C motor vehicles. Any person who is the holder of a valid driver's license which entitles the person to drive class B motor vehicles may also drive class C motor vehicles.
- (d) The secretary of revenue shall adopt rules and regulations establishing qualifications for the safe operation of the various types, sizes and combinations of vehicles in each class of motor vehicles established in subsection (a). Such rules and regulations shall include the adoption of at least the minimum qualifications for commercial drivers' licenses contained in the commercial motor vehicle safety act of 1986.
- (e) Any reference in the motor vehicle drivers' license act to a class or classes of motor vehicles is a reference to the classes of motor vehicles established in subsection (a), and any reference in the motor vehicle drivers' license act to a classified driver's license or a class of driver's license means a driver's license which restricts the holder thereof to driving one or more of such classes of motor vehicles.
- (f) The secretary of revenue may enter into a contract with any person, who meets the qualifications imposed on persons regularly employed by the division as drivers' license examiners, to accept applications for drivers' licenses and to administer the examinations required for the issuance of drivers' licenses.

- (g) Notwithstanding the provisions of subsection (a), any person employed as an automotive mechanic who possesses a valid class C driver's license may drive any class A or class B motor vehicle on the highways for the purpose of determining the proper performance of the vehicle, except that this does not include commercial class A, B or C vehicles.

History: L. 1975, ch. 36, § 2; L. 1976, ch. 47, § 1; L. 1976, ch. 46, § 1; L. 1977, ch. 35, § 1; L. 1978, ch. 44, § 1; L. 1981, ch. 39, § 1; L. 1982, ch. 40, § 1; L. 1989, ch. 38, §19; L. 1990, ch. 41, § 1; L. 1991, ch. 36, § 4; L. 1995, ch. 190, § 1; L. 1997, ch. 101, §1; July 1.

8-238. OPERATORS OF SCHOOL BUSES; OPERATORS OF VEHICLES TRANSPORTING PERSONS OR CERTAIN PROPERTY FOR COMPENSATION; AGE RESTRICTIONS.

No person who is under the age of 18 years shall drive any school bus transporting school children or any motor vehicle when in use for the transportation of persons for a fee or when in use for the transportation of property, other than property owned or sold by the owner or lessee of such vehicle, for compensation.

History: L. 1937, ch. 73, § 5; L. 1943, ch. 81, § 2; L. 1949, ch. 104, § 9; L. 1959, ch. 49, §5; L. 1972, ch. 342, § 40; L. 1975, ch. 36, § 11; L. 1975, ch. 37, § 1; L. 1976, ch. 40, § 4; L. 1987, ch. 45, § 3; L. 1989, ch. 38, § 24; July 1.

8-254. MANDATORY REVOCATION OF DRIVER'S LICENSE BY DIVISION OF VEHICLES; EXCEPTIONS FOR COURT IMPOSED RESTRICTIONS.

- (a) Subject to the provisions of subsection (b), the division shall revoke a person's driving privileges upon receiving a record of the person's conviction of any of the following offenses, including municipal violations, when the conviction has become final, or upon receiving a record of a person's adjudication as a juvenile offender for commission of an act which, if committed by a person 18 or more years of age, would constitute any of the following offenses when the adjudication has become final:
- (1) Aggravated vehicular homicide, as defined by K.S.A. 21-3405a, and amendments thereto, if the crime is committed while committing a violation of K.S.A. 8-1566 or 8-1568, and amendments thereto, or the ordinance of a city or resolution of a county which prohibits any acts prohibited by those statutes;
 - (2) vehicular homicide, as defined by K.S.A. 21-3405, and amendments thereto;

- (3) vehicular battery, as defined by K.S.A. 21-3405b, and amendments thereto, if the crime is committed while committing a violation of K.S.A. 8-1566 or 8-1568, and amendments thereto, or the ordinance of a city or resolution of a county which prohibits the acts prohibited by those statutes;
 - (4) failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;
 - (5) conviction, or forfeiture of bail not vacated, upon a charge of reckless driving;
 - (6) conviction, or forfeiture of bail not vacated of any felony in the commission of which a motor vehicle is used; or
 - (7) fleeing or attempting to elude a police officer as provided in K.S.A. 8-1568, and amendments thereto, or conviction of violation of an ordinance of any city or a law of another state which is in substantial conformity with such statute.
- (b) In lieu of revoking a person's driving privileges as provided by subsection (a), the court in which the person is convicted or adjudicated may place restrictions on the person's driving privileges as provided by K.S.A. 8-292, and amendments thereto, unless the violation was committed while operating a commercial motor vehicle, as defined in K.S.A. 8-2,128. Driving privileges are to be automatically revoked if the violation which leads to the subsequent conviction occurs in a commercial motor vehicle, as defined in K.S.A. 8-2,128.

History: L. 1937, ch. 73, § 21; L. 1943, ch. 82, § 1; L. 1949, ch. 104, § 25; L. 1959, ch. 49, § 22; L. 1963, ch. 53, §1; L. 1970, ch. 51, § 1; L. 1974, ch. 39, § 1; L. 1975, ch. 36, § 23; L. 1981, ch. 42, § 1; L. 1983, ch. 34, § 2; L. 1984, ch. 37, § 2; L. 1988, ch. 47, § 2; L. 1989, ch. 38, §30; Jan. 1, 1991.

8-255. SUSPENSION OF DRIVING PRIVILEGES BY DIVISION OF VEHICLES; GROUNDS; PROCEDURE FOR SUSPENSION OR REVOCATION; DRIVER IMPROVEMENT CLINICS.

- (a) The division is authorized to suspend or revoke a person's driving privileges upon a showing by its records or other sufficient evidence the person:
 - (1) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;
 - (2) has been convicted of three or more moving traffic violations committed on separate occasions within a 12-month period;

- (3) is incompetent to drive a motor vehicle;
 - (4) has been convicted of a moving traffic violation, committed at a time when the person's driving privileges were suspended or revoked; or
 - (5) is a member of the armed forces of the United States stationed at a military installation located in the state of Kansas, and the authorities of the military establishment certify that such person's on-base driving privileges have been suspended, by action of the proper military authorities, for violating the rules and regulations of the military installation governing the movement of vehicular traffic or for any other reason relating to the person's inability to exercise ordinary and reasonable control in the operation of a motor vehicle.
- (b) The division shall suspend a person's driving privileges when required by K.S.A. 8-262 or 8-1014, and amendments thereto, and shall disqualify a person's privilege to drive commercial motor vehicles when required by K.S.A. 8-2,142, and amendments thereto.
- (c) When the action by the division suspending, revoking or disqualifying a person's driving privileges is based upon a report of a conviction or convictions from a convicting court, the person may not request a hearing but, within 30 days after notice of suspension, revocation or disqualification is mailed, may submit a written request for administrative review and provide evidence to the division to show the person whose driving privileges have been suspended, revoked or disqualified by the division was not convicted of the offense upon which the suspension, revocation or disqualification is based. Within 30 days of its receipt of the request for administrative review, the division shall notify the person whether the suspension, revocation or disqualification has been affirmed or set aside. The request for administrative review shall not stay any action taken by the division.
- (d) Upon suspending, revoking or disqualifying the driving privileges of any person as authorized by this act, the division shall immediately notify the person in writing. Except as provided by K.S.A. 8-1002 and 8-2,145, and amendments thereto, and subsection (c) of this section, if the person makes a written request for hearing within 30 days after such notice of suspension or revocation is mailed, the division shall afford the person an opportunity for a hearing as early as practical not sooner than five days nor more than 30 days after such request is mailed. If the division has not revoked or suspended the person's driving privileges or vehicle registration prior to the hearing, the hearing may be held within not to exceed 45 days.

Except as provided by K.S.A. 8-1002 and 8-2,145, and amendments thereto, the hearing shall be held in the person's county of residence or a county adjacent thereto, unless the division and the person agree that the hearing may be held in some other county. Upon the hearing, the director or the director's duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require an examination or reexamination of the person. When the action proposed or taken by the division is authorized but not required, the division, upon the hearing, shall either rescind or affirm its order of suspension or revocation or, good cause appearing therefor, extend the suspension of the person's driving privileges, modify the terms of the suspension or revoke the person's driving privileges. When the action proposed or taken by the division is required, the division, upon the hearing, shall either affirm its order of suspension, revocation or disqualification, or, good cause appearing therefor, dismiss the administrative action. If the person fails to request a hearing within the time prescribed or if, after a hearing, the order of suspension, revocation or disqualification is upheld, the person shall surrender to the division, upon proper demand, any driver's license in the person's possession.

- (e) In case of failure on the part of any person to comply with any subpoena issued in behalf of the division or the refusal of any witness to testify to any matters regarding which the witness may be lawfully interrogated, the district court of any county, on application of the division, may compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court. Each witness who appears before the director or the director's duly authorized agent by order or subpoena, other than an officer or employee of the state or of a political subdivision of the state, shall receive for the witness' attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by the witness.
- (f) The division, in the interest of traffic and safety, may establish driver improvement clinics throughout the state and, upon reviewing the driving record of a person whose driving privileges are subject to suspension under subsection (a)(2), may permit the person to retain such person's driving privileges by attending a driver improvement clinic. A person who is required to attend a driver improvement clinic shall pay a fee of \$15. Amounts received under this subsection shall be remitted at least monthly to the state treasurer who shall deposit the same in the state treasury and shall be credited to the division of vehicles operating fund.

History: L. 1937, ch. 73, § 22; L. 1949, ch. 104, § 26; L. 1959, ch. 49, § 24; L. 1965, ch. 63, § 1; L. 1967, ch. 59, § 4; L. 1968, ch. 301, § 1; L. 1972, ch. 27, § 1; L. 1974, ch. 38, § 4; L. 1975, ch. 36, § 24; L. 1982, ch. 144, § 1; L. 1983, ch. 35, § 1; L. 1983, ch. 34, § 3; L. 1983, ch. 36, § 1; L. 1988, ch. 47, § 9; L. 1990, ch. 44, § 1; L. 1991, ch. 36, § 11; L. 1994, ch. 353, § 1; July 1.

**8-262 DRIVING WHILE LICENSE CANCELED, SUSPENDED OR REVOKED;
PENALTY; EXTENSION OF TIME OF SUSPENSION OR REVOCATION;
IGNITION INTERLOCK DEVICE RESTRICTION.**

- (a) (1) Any person who drives a motor vehicle on any highway of this state at a time when such person's privilege so to do is canceled, suspended or revoked or while such person's privilege to obtain a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and amendments thereto, shall be guilty of a: (A) Class B nonperson misdemeanor on the first conviction; and (B) class A nonperson misdemeanor on the second conviction or subsequent conviction.
- (2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257, and amendments thereto, to the return of such person's driver's license.
- (3) Except as otherwise provided by subsection (a)(4), every person convicted under this section shall be sentenced to at least five days' imprisonment and fined at least \$100 and upon a second or subsequent conviction shall not be eligible for parole until completion of five days' imprisonment.
- (4) If a person: (A) Is convicted of a violation of this section, committed while the person's privilege to drive or privilege to obtain a driver's license was suspended or revoked for a violation of K.S.A. 8-1567, and amendments thereto, or any ordinance of any city or resolution of any county or a law of another state, which ordinance or law prohibits the acts prohibited by that statute; and (B) is or has been also convicted of a violation of K.S.A. 8-1567, and amendments thereto, or of a municipal ordinance or law of another state, which ordinance or law prohibits the acts prohibited by that statute, committed while the person's privilege to drive or privilege to obtain a driver's license was so suspended or revoked, the person shall not be eligible for suspension of sentence, probation or parole until the person has served at least 90 days' imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.
- (b) The division, upon receiving a record of the conviction of any person under this section, or any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section, upon a charge of driving a vehicle while the license of such person is revoked or suspended, shall extend the period of such suspension or revocation for an additional period of 90 days.

(c) For the purposes of determining whether a conviction is a first, second or subsequent conviction in sentencing under this section, "conviction" includes a conviction of a violation of any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section.

History: L. 1937, ch. 73, § 29; L. 1949, ch. 104, § 33; L. 1959, ch. 49, § 30; L. 1967, ch. 59, § 6; L. 1970, ch. 52, § 1; L. 1972, ch. 28, § 2; L. 1974, ch. 38, § 5; L. 1981, ch. 43, § 1; L. 1983, ch. 34, § 4; L. 1985, ch. 48, § 1; L. 1985, ch. 78, § 6; L. 1991, ch. 39, § 1; L. 1992, ch. 239, § 27; L. 1993, ch. 291, § 2; L. 1994, ch. 353, § 4; L. 1999, ch. 164, § 1; L. 2001, ch. 112, § 4; L. 2001, ch. 200, § 3; July 1.

8-265. EMPLOYING PERSONS TO OPERATE VEHICLE; PROPER CLASS OF LICENSE REQUIRED.

No person shall employ any person to operate a motor vehicle, if the person so employed is not then licensed to operate the appropriate class of motor vehicles as provided in this act.

History: L. 1937, ch. 73, § 32; L. 1949, ch. 104, § 36; L. 1975, ch. 36, § 29; Jan. 1, 1976.

8-301. PRIVATE USE FORBIDDEN.

No person or employee of the state or county or any governmental subdivision shall operate or drive or cause to be operated or driven any state, county or other publicly owned automobile, automobile bus, motor bus, or other motor vehicle for private use or for private business or for pleasure.

History: L. 1933, ch. 174, § 1; March 7.

8-304. MARKING OF VEHICLES OF POLITICAL SUBDIVISIONS; VEHICLE DEFINED.

As used in this act, "vehicle" means a passenger motor vehicle having a seating capacity of less than eight (8) persons and which is the property of a political subdivision of the state of Kansas.

History: L. 1951, ch. 119, §1; L. 1972, ch. 29, § 15; July 1.

8-305. MARKING OF VEHICLES OF POLITICAL SUBDIVISIONS; HOW MARKED; EXCEPTIONS.

All motor vehicles owned or leased by any political subdivision of the state of Kansas shall bear the name of the political subdivision owning or leasing such vehicle plainly printed on both sides thereof. This act shall not apply to the following: Municipal fire apparatus, police patrols and ambulances; passenger vehicles used by plain clothes police officers or community corrections personnel working in the employ of any political subdivision; and motor vehicles owned or leased by any municipal university.

History: L. 1951, ch. 119, § 2; L. 1970, ch. 53, § 1; L. 1972, ch. 29, § 16; L. 1982, ch. 43, § 1; L. 1990, ch. 46, § 1; L. 1996, ch. 64, § 1; July 1.

8-306. SAME; OPERATION OR CONTROL OF UNMARKED VEHICLE; REMOVAL OF OFFICER OR EMPLOYEE FROM OFFICE.

Any officer or employee of any political subdivision who operates or has under control any vehicle not lettered or numbered as required by this act or who violates any of the other provisions of this act shall be deemed guilty of malfeasance in office and shall be subject to removal from office or employment.

History: L. 1951, ch. 119, § 3; L. 1972, ch. 29, § 17; July 1.

8-1014. SUSPENSION AND RESTRICTION OF DRIVING PRIVILEGES FOR TEST REFUSAL, TEST FAILURE OR ALCOHOL OR DRUG-RELATED CONVICTION; IGNITION INTERLOCK DEVICE.

- (a) Except as provided by subsection (e) and K.S.A. 8-2,142, and amendments thereto, if a person refuses a test, the division, pursuant to K.S.A. 8-1002, and amendments thereto, shall:
- (1) On the person's first occurrence, suspend the person's driving privileges for one year;
 - (2) on the person's second occurrence, suspend the person's driving privileges for two years;
 - (3) on the person's third occurrence, suspend the person's driving privileges for three years;
 - (4) on the person's fourth occurrence, suspend the person's driving privileges for 10 years; and
 - (5) on the person's fifth or subsequent occurrence, revoke the person's driving privileges permanently.

- (b) Except as provided by subsections (c) and (e) and K.S.A. 8-2,142, and amendments thereto, if a person fails a test or has an alcohol or drug-related conviction in this state, the division shall:
- (1) On the person's first occurrence, suspend the person's driving privileges for 30 days, then restrict the person's driving privileges as provided by K.S.A. 8-1015, and amendments thereto, for an additional 330 days;
 - (2) on the person's second, third or fourth occurrence, suspend the person's driving privileges for one year and, commencing July 1, 2001, then at the end of the suspension for an alcohol-related conviction, restrict the person's driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device; and
 - (3) on the person's fifth or subsequent occurrence, the person's driving privileges shall be permanently revoked.
- (c) Except as provided by subsection (e) and K.S.A. 8-2,142, and amendments thereto, if a person who is less than 21 years of age fails a test or has an alcohol or drug-related conviction in this state, the division shall suspend the person's driving privileges for one year.
- (d) Whenever the division is notified by an alcohol and drug safety action program that a person has failed to complete any alcohol and drug safety action education or treatment program ordered by a court for a conviction of a violation of K.S.A. 8-1567, and amendments thereto, the division shall suspend the person's driving privileges until the division receives notice of the person's completion of such program.
- (e) Except as provided in K.S.A. 8-2,142, and amendments thereto, if a person's driving privileges are subject to suspension pursuant to this section for a test refusal, test failure or alcohol or drug-related conviction arising from the same arrest, the period of such suspension shall not exceed the longest applicable period authorized by subsection (a), (b) or (c), and such suspension periods shall not be added together or otherwise imposed consecutively. In addition, in determining the period of such suspension as authorized by subsection (a), (b) or (c), such person shall receive credit for any period of time for which such person's driving privileges were suspended while awaiting any hearing or final order authorized by this act.

If a person's driving privileges are subject to restriction pursuant to this section for a test failure or alcohol or drug-related conviction arising from the same arrest, the restriction periods shall not be added together or otherwise imposed consecutively. In addition, in determining the period of restriction, the person shall receive credit for any period of suspension imposed for a test refusal arising from the same arrest.

- (f) If the division has taken action under subsection (a) for a test refusal or under subsection (b) or (c) for a test failure and such action is stayed pursuant to K.S.A. 8-259, and amendments thereto, or if temporary driving privileges are issued pursuant to K.S.A. 8-1020, and amendments thereto, the stay or temporary driving privileges shall not prevent the division from taking the action required by subsection (b) or (c) for an alcohol or drug-related conviction.
- (g) Upon restricting a person's driving privileges pursuant to this section, the division shall issue a copy of the order imposing the restrictions which is required to be carried by the person at any time the person is operating a motor vehicle on the highways of this state.
- (h) Any person whose license is restricted to operating only a motor vehicle with an ignition interlock device installed may operate an employer's vehicle without an ignition interlock device installed during normal business activities, provided that the person does not partly or entirely own or control the employer's vehicle or business. The provisions of this subsection shall be effective on and after July 1, 2001.

History: L. 1988, ch. 47, § 7; L. 1989, ch. 38, § 37; L. 1990, ch. 48, § 2; L. 1990, ch. 47, § 2; L. 1993, ch. 259, § 6; L. 1993, ch. 275, § 3; L. 1994, ch. 353, § 10; L. 1999, ch. 125, § 18; L. 2001, ch. 200, § 5; July 1.

8-1342. CIVIL PENALTY FOR OVERLOADING CERTAIN VEHICLES.

- (a) No person shall, in return for any direct pecuniary benefit, while under no duress, willfully and knowingly cause any vehicle or combination of vehicles to be loaded with a gross weight exceeding the limitation for the maximum gross weight of such a vehicle or combination specified in article 19 of chapter 8 of Kansas Statutes Annotated, if at the time and place of such loading there is available a stationary scale, the accuracy of which is certified in accordance with law, together with a duly designated attendant of such scale. The provisions of this section shall not be deemed to create any civil negligence liability per se for any person who overloads a vehicle or combination of vehicles.
- (b) The commission of any act in violation of subsection (a) shall render the violator liable to the state for the payment of a civil penalty, recoverable in an individual action brought by the attorney general or county attorney or district attorney, in a sum set by the court of not more than \$500 for each violation.
- (c) Civil penalties sued for and recovered by the attorney general shall be paid into the state treasury and credited to the general fund of the state. Civil penalties and contempt penalties sued for and recovered by the county attorney or district attorney shall be paid into the general fund of the county where the proceedings are instigated.

History: L. 1981, ch. 46, § 7; July 1.

8-1344. CHILD PASSENGER SAFETY; RESTRAINING SYSTEMS FOR CHILDREN UNDER THE AGE OF FOUR; USE OF SEAT BELTS BY CHILDREN BETWEEN THE AGES OF FIVE AND FOURTEEN.

Every driver as defined in K.S.A. 8-1416, and amendments thereto, who transports a child under the age of 14 years in a passenger car as defined in K.S.A. 1998 Supp. 8-1343a, and amendments thereto, on a highway as defined in K.S.A. 8-1424, and amendments thereto, shall provide for the protection of such child by properly using:

- (a) For a child under the age of four years a child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213 in effect on July 1, 1997; or
- (b) for a child four years of age but under the age of 14, a safety belt manufactured in compliance with federal motor vehicle safety standard no. 208, except that if the number of children subject to this requirement exceeds the number of passenger securing locations available for use by children affected by this requirement, and all of those securing locations are in use by children, then there is not a violation of this section.

History: L. 1981, ch. 33, § 2; L. 1984, ch. 38, § 1; L. 1989, ch. 40, § 1; L. 1992, ch. 317, § 2; L. 1997, ch. 80, § 1; July 1.

8-1404. AUTHORIZED EMERGENCY VEHICLE DEFINED; EXEMPTIONS.

"Authorized emergency vehicle" means such fire department vehicles or police bicycles or police vehicles which are publicly owned; motor vehicles operated by ambulance services permitted by the emergency medical services board under the provisions of K.S.A. 65-6101 et seq., and amendments thereto; and such other publicly or privately owned vehicles which are designated as emergency vehicles pursuant to K.S.A. 8-2010, and amendments thereto.

History: L. 1974, ch. 33, § 8-1404; L. 1975, ch. 427, § 19; L. 1992, ch. 141, § 3; L. 1993, ch. 199, § 1; L. 1996, ch. 180, § 1; July 1.

8-1406. "BUS" DEFINED.

"Bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

History: L. 1974, ch. 33, § 8-1406; July 1.

8-1411. "CROSSWALK" DEFINED.

"Crosswalk" means:

- (a) That part of a roadway at an intersection included within the connections of the lateral lines of sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or
- (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

History: L. 1974, ch. 33, § 8-1411; July 1.

8-1414. "DIVIDED HIGHWAY" DEFINED.

"Divided highway" means a highway divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic.

History: L. 1974, ch. 33, § 8-1414; July 1.

8-1416. "DRIVER" DEFINED.

"Driver" means every person who drives or is in actual physical control of a vehicle.

History: L. 1974, ch. 33, § 8-1416; July 1.

8-1424. "HIGHWAY" DEFINED.

"Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

History: L. 1974, ch. 33, § 8-1424; July 1.

8-1428. "INTERSECTION" DEFINED.

"Intersection" means:

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; or
- (b) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

The junction of an alley with a street or highway shall not constitute an intersection.

History: L. 1974, ch. 33, § 8-1428; July 1.

8-1437. "A MOTOR VEHICLE" DEFINED.

"Motor vehicle" means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

History: L. 1974, ch. 33, § 8-1437; L. 1976, ch. 42, § 3; L. 1992, ch. 166, § 2; July 1.

8-1445. "PASSENGER CAR" DEFINED.

"Passenger car" means every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

History: L. 1974, ch. 33, § 8-1445; July 1.

8-1459. "ROADWAY" DEFINED.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

History: L. 1974, ch. 33, § 8-1459; July 1.

8-1461. "SCHOOL BUS" DEFINED.

"School bus" means every motor vehicle defined and designated as a school bus in subsection (g) (1) of K.S.A. 72-8301.

History: L. 1974, ch. 33, § 8-1461; L. 1976, ch. 40, § 1; L. 1977, ch. 42, § 1; L. 1978, ch. 303, § 1; March 31.

8-1465. "SIDEWALK" DEFINED.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for use by pedestrians.

History: L. 1974, ch. 33, § 8-1465; July 1.

8-1473. "STREET" DEFINED.

"Street" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

History: L. 1974, ch. 33, § 8-1473; July 1.

8-1478. "TRAFFIC-CONTROL SIGNAL" DEFINED.

"Traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

History: L. 1974, ch. 33, § 8-1478; July 1.

8-1503. REQUIRED OBEDIENCE TO LAWFUL ORDER OF POLICE OFFICER OR FIREMAN; MISDEMEANOR.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer or fireman invested by law with authority to direct, control or regulate traffic. Violation of this section is a misdemeanor.

History: L. 1974, ch. 33, § 8-1503; L. 1984, ch. 39, § 2; Jan. 1, 1985.

8-1507. OFFICIAL TRAFFIC-CONTROL DEVICES; REQUIRED OBEDIENCE; PLACEMENT; PRESUMPTIONS.

- (a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto, placed in accordance with the provisions of this act, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this act.

- (b) No provision of this act for which official traffic-control devices are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.
- (c) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this act, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- (d) Any official traffic-control device placed pursuant to the provisions of this act and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this act, unless the contrary shall be established by competent evidence.

History: L. 1974, ch. 33, § 8-1507; July 1.

8-1508. TRAFFIC-CONTROL SIGNAL LEGEND.

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

- (a) Green indication.
 - (1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left, unless a sign at such place prohibits either such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - (2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection cautiously only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- (3) Unless otherwise directed by a pedestrian-control signal, as provided in K.S.A. 8-1509, and amendments thereto, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
- (b) Steady yellow indication.
- (1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is hereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
 - (2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in K.S.A. 8-1509, and amendments thereto, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.
- (c) Steady red indication.
- (1) Vehicular traffic facing a steady circular red or red arrow signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown, except as provided in paragraphs (2) and (3) of this subsection. Any turn provided for in said paragraphs (2) and (3) shall be governed by the applicable provisions of K.S.A. 8-1545, and amendments thereto.
 - (2) Unless a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by paragraph (1) of this subsection. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- (3) Unless a sign is in place prohibiting a turn, vehicular traffic upon a roadway restricted to one-way traffic facing a steady red signal at the intersection of such roadway with another roadway restricted to one-way traffic which is proceeding to the left of such vehicular traffic, may cautiously enter the intersection to make a left turn after stopping as required by paragraph (1) of this subsection. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - (4) Unless otherwise directed by a pedestrian-control signal as provided in K.S.A. 8-1509, and amendments thereto, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.
- (d) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

History: L. 1974, ch. 33, § 8-1508; L. 1984, ch. 39, § 46; L. 1994, ch. 215, § 1; L. 1995, ch. 188, § 1; July 1.

8-1510. FLASHING TRAFFIC SIGNALS.

- (a) Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign it shall require obedience by vehicular traffic as follows:
- (1) Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
 - (2) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

- (b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in K.S.A. 8-1553.

History: L. 1974, ch. 33, § 8-1510; July 1.

8-1511. LANE-DIRECTION-CONTROL SIGNALS.

When lane-direction-control signals are placed over the individual lanes of a street or highway, such signals shall indicate and apply to drivers of vehicles as follows:

- (a) Green indication. Vehicular traffic may travel in any lane over which a green signal is shown.
- (b) Steady yellow indication. Vehicular traffic is thereby warned that a lane control change is being made.
- (c) Steady red indication. Vehicular traffic shall not enter or travel in any lane over which a red signal is shown.
- (d) Flashing yellow indication. Vehicular traffic may use the lane only for the purpose of approaching and making a left turn.

History: L. 1974, ch. 33, § 8-1511; L. 1995, ch. 188, § 3; July 1.

8-1521. ONE-WAY HIGHWAYS, ROADWAYS OR TRAFFIC LANES; DESIGNATION BY SECRETARY OF TRANSPORTATION OR LOCAL AUTHORITIES; DUTIES OF DRIVERS; ROTARY TRAFFIC ISLANDS.

- (a) The secretary of transportation and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one (1) direction at all or such times as shall be indicated by official traffic-control devices.
- (b) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.

- (c) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

History: L. 1974, ch. 33, § 8-1521; L. 1975, ch. 427, § 21; Aug. 15.

8-1530. DUTY OF DRIVER UPON APPROACH OF AUTHORIZED EMERGENCY VEHICLE.

- (a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of subsection (d) of K.S.A. 8-1738 and visual signals meeting the requirements of K.S.A. 8-1720, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall drive immediately to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- (b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

History: L. 1974, ch. 33, § 8-1530; July 1.

8-1535. SAME; DRIVERS TO EXERCISE DUE CARE.

Notwithstanding other provisions of this article or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person.

History: L. 1974, ch. 33, § 8-1535; July 1.

8-1551. OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN.

- (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad, and shall not proceed until he or she can do so safely. The foregoing requirements shall apply when:
- (1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
 - (2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
 - (3) A railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or
 - (4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- (b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

History: L. 1974, ch. 33, § 8-1551; July 1.

8-1553. CERTAIN VEHICLES REQUIRED TO STOP AT RAILROAD GRADE CROSSINGS; EXCEPTIONS.

- (a) Except as provided in subsection (b), the driver of any vehicle described in rules and regulations issued pursuant to subsection (c), before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, and shall not proceed until such driver can do so safely. After stopping as required and upon proceeding when it is safe to do so, the driver of any vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossings and the driver shall not manually shift gears while crossing the track or tracks.

- (b) This section shall not apply at:
- (1) Any railroad grade crossing at which traffic is controlled by a police officer or human flagman;
 - (2) any railroad grade crossing at which traffic is controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits a vehicle to proceed across the railroad tracks without slowing or stopping;
 - (3) any abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned;
 - (4) any industrial or spur line railroad grade crossing marked with a sign reading "Exempt." Such exempt signs shall be erected only by or with the consent of the appropriate state or local authority;
 - (5) a railroad grade crossing used exclusively for industrial switching purposes, within a business district defined in K.S.A. 8-1407, and amendments thereto.
- (c) The secretary of transportation, in conjunction with the state corporation commission, shall adopt such rules and regulations as may be necessary describing the vehicles which must comply with the stopping requirements of this section. Such rules and regulations shall correlate with and so far as possible conform to the federal motor carrier safety regulations of the United States department of transportation.

History: L. 1974, ch. 33, § 8-1553; L. 1975, ch. 426, § 45; L. 1989, ch. 41, § 1; L. 1993, ch. 36, § 1; July 1.

8-1556. OVERTAKING AND PASSING SCHOOL BUS; ACTUATION OF VISUAL SIGNALS BY DRIVER OF BUS, WHEN; REQUIRED SCHOOL BUS MARKINGS.

- (a) The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching such school bus when there is in operation on the school bus the flashing red lights specified in subsection (a) of K.S.A. 8-1730, and amendments thereto, and the driver shall not proceed until such school bus resumes motion or the flashing red lights and the stop signal arm are no longer actuated.

(b) Every school bus shall be equipped with red visual signals meeting the requirements of subsection (a) of K.S.A. 8-1730, and amendments thereto, which may be actuated by the driver of the school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate the special visual signals:

(1) At intersections or other places where traffic is controlled by traffic-control signals or police officers; or

(2) in designated school bus loading areas where the bus is entirely off the roadway.

(c) Every school bus shall bear upon the front and rear thereof plainly visible: (1) Signs containing the words "school bus" in letters not less than eight inches in height.

When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or to or from interschool or intraschool functions or activities, or for maintenance, repair or storage purposes all markings thereon indicating "school bus" shall be covered or concealed.

(d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(e) The provisions of this section shall be subject to the provisions contained in K.S.A. 8-2009a, and amendments thereto.

History: L. 1974, ch. 33, § 8-1556; L. 1975, ch. 39, § 10; L. 1975, ch. 427, § 23; L. 1976, ch. 40, § 6; L. 1997, ch. 133, § 4; July 1.

8-1556a. PASSING CHURCH AND DAY CARE PROGRAM BUSES; USE OF SIGNALS.

- (a) The driver of a vehicle meeting or overtaking from either direction any church bus or day care program bus stopped on the highway shall stop before reaching such church bus or day care program bus when there is in operation on said church bus or day care program bus the flashing red lights specified in subsection (a) of K.S.A. 8-1730, and said driver shall not proceed until such church bus or day care program bus resumes motion or said driver is signaled by the church bus or day care program bus driver to proceed or the flashing red lights and stop signal arm, if any, are no longer actuated.
- (b) If a church bus or day care program bus is equipped with visual signals permitted by subsection (b) of K.S. 8-1730a, such signals may be actuated by the driver of said church bus or day care program bus only when such vehicle is stopped on the highway for the purpose of receiving or discharging passengers. A church bus or day care program bus driver shall not actuate said special visual signals: (1) At intersections or other places where traffic is controlled by traffic-control signals or police officers; or (2) in designated loading areas where the bus is entirely off the roadway.
- (c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a church bus or day care program bus which is on a separate roadway or when upon a controlled-access highway and the church bus or day care program bus is stopped in a loading zone which is part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

History: L. 1978, ch. 40, § 4; L. 1980, ch. 43, § 3; July 1.

8-1557. BASIC RULE GOVERNING SPEED OF VEHICLES.

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

History: L. 1974, ch. 33, § 8-1557; July 1.

8-1558. MAXIMUM SPEED LIMITS.

- (a) Except as provided in subsection (b) and except when a special hazard exists that requires lower speed for compliance with K.S.A. 8-1557, and amendments thereto, the limits specified in this subsection or established as authorized by law shall be maximum lawful speeds, and no person shall operate a vehicle at a speed in excess of such maximum limits:
- (1) In any urban district, 30 miles per hour;
 - (2) on any separated multilane highway, as designated and posted by the secretary of transportation, 70 miles per hour;
 - (3) on any county or township highway, 55 miles per hour; and
 - (4) on all other highways, 65 miles per hour.
- (b) No person shall drive a school bus to or from school, or interschool or intraschool functions or activities, at a speed in excess of the maximum speed limits provided in subsection (a), except that the board of education of any school district may establish by board policy lower maximum speed limits for the operation of such district's school buses. The provisions of this subsection relating to school buses shall apply to buses used for the transportation of students enrolled in community colleges or area vocational schools, when such buses are transporting students to or from school, or functions or activities.
- (c) The maximum speed limits in this section may be altered as authorized in K.S.A. 8-1559 and 8-1560, and amendments thereto.

History: (L. 1974, ch. 33, § 8-1558; L. 1976, ch. 40, §7; L. 1984, ch. 39, § 6; L. 1996, ch. 15, § 5; § L. 2003, ch. 100 , § 4; July 1.)

8-1560. ALTERATION OF MAXIMUM SPEED LIMITS; POWERS OF LOCAL AUTHORITIES, LIMITATIONS AND RESTRICTIONS; ESTABLISHING SPEED LIMITS IN ROAD CONSTRUCTION ZONES.

- (a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:
 - (1) Decreases the limit at intersections;
 - (2) increases the limit within an urban district but not to exceed the maximum speed of 65 miles per hour;
 - (3) decreases the limit outside an urban district, but not to less than 20 miles per hour, except as authorized by K.S.A. 8-1560a, and amendments thereto;
 - (4) decreases the limit within an urban district in a school zone to not less than 20 miles per hour, except that any such decreased limit shall apply only during the hours in which students are normally en route to or from school, such zones and hours to be determined by ordinance or resolution of such local authority; or
 - (5) decreases the limit within any residence district, but not to less than 20 miles per hour.
- (b) Except as provided in subsection (h), local authorities in their respective jurisdictions may determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this act for an urban district or other location in which the arterial street is situated, except that in no event shall any local authority establish any such maximum limit in excess of 65 miles per hour.
- (c) Except as otherwise provided in paragraph (4) of subsection (a), any altered limit established as authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.
- (d) Any alteration of maximum limits on city connecting links shall not be effective until such alteration has been approved by the secretary of transportation.
- (e) If local authorities in their respective jurisdictions have established a speed limit within any residence district which is less than 30 miles per hour, prior to the effective date of this act, such speed limit shall be deemed valid and shall not require an engineering and traffic investigation.

- (f) Local authorities in their respective jurisdictions may establish the speed limit within a road construction zone, as defined in K.S.A. 8-1458a, and amendments thereto, upon any highway under the jurisdiction of such local authorities.
- (g) The provisions of K.S.A. 8-1560b, and amendments thereto, shall apply to the limitations on speed limits provided by subsection (a) of this section.
- (h) Local authorities who have jurisdiction over county or township highways may determine based on an engineering and traffic investigation or without an engineering and traffic investigation the proper maximum speed for such county or township highways and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this act, except that in no event shall any local authority establish any such maximum limit in excess of 65 miles per hour.

History: L. 1974, ch. 33, § 8-1560; L. 1975, ch. 39, § 11; L. 1975, ch. 427, § 25; L. 1978, ch. 271, § 2; L. 1994, ch. 220, § 8; L. 1996, ch. 15, § 7; L. 1997, ch. 80, § 3; July 1.

8-1580. COASTING PROHIBITED.

- (a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears or transmission of such vehicle in neutral.
- (b) The driver of a truck or bus when traveling upon a down grade shall not coast with the clutch disengaged.

History: L. 1974, ch. 33, § 8-1580; July 1.

8-1584. RESTRICTIONS ON DRIVING INTO INTERSECTION OR CROSSWALK OR ONTO RAILROAD GRADE CROSSING.

No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed.

History: L. 1974, ch. 33, § 8-1584; July 1.

8-1703. WHEN LIGHTED LAMPS REQUIRED.

- (a) Every vehicle, except as provided in subsection (b), upon a highway within this state, at any time from sunset to sunrise and at any other time, when due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead, shall display lighted head and other lamps and illuminating devices as required for different classes of vehicles, subject to exceptions with respect to parked vehicles. Stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices.
- (b) Motorcycles, motor-driven cycles and motorized bicycles manufactured after January 1, 1978, shall display lighted head and tail lights at all times that such vehicles are operated on any highway.

History: L. 1974, ch. 33, § 8-1703; L. 1982, ch. 45, § 1; L. 1990, ch. 49, § 1; July 1.

8-1716. PARKED VEHICLES; LAMPS REQUIRED; COLOR; LOCATION; TIME FOR DISPLAY OF LIGHTED LAMPS; DEPRESSING OR DIMMING OF HEAD LAMPS.

- (a) Every vehicle shall be equipped with one (1) or more lamps which, when lighted, shall display a white or amber light visible from a distance of one thousand (1,000) feet to the front of the vehicle, and a red light visible from a distance of one thousand (1,000) feet to the rear of the vehicle. The location of said lamp or lamps always shall be such that at least one (1) lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic.
- (b) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise, and in the event there is sufficient light to reveal persons and vehicles within a distance of one thousand (1,000) feet upon such street or highway, no lights need be displayed upon such parked vehicle.
- (c) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of one thousand (1,000) feet upon such highway, such vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (a).
- (d) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

History: L. 1974, ch. 33, § 8-1716; July 1.

8-1723 ADDITIONAL LIGHTING EQUIPMENT PERMITTED.

- (a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.
- (b) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side which shall emit a white or amber light without glare.
- (c) Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.
- (d) Any vehicle 80 inches or more in overall width, if not otherwise required by K.S.A. 8-1710, and amendments thereto, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in subsection (g) of K.S.A. 8-1710, and amendments thereto.
- (e) Any vehicle may be equipped with one or more side marker lamps and any such lamp may be flashed in conjunction with turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber and side marker lamps located toward the rear shall be red.
- (f) Any motor vehicle may be equipped with neon ground effect lighting, except that such lighting shall not flash, be any shade of red nor shall any portion of the neon tubes be visible. "Neon ground effect lighting" means neon tubes placed underneath the motor vehicle for the purpose of illuminating the ground below the motor vehicle creating a halo light effect.

History: (L. 1974, ch. 33, Sec. 8-1723; L. 1994, ch.342, Sec. 3; L. 2003, ch. 100, Sec. 6; July 1.)

8-1725. HEAD LAMPS; USE OF; EXCEPTION FOR ALTERNATELY OR SIMULTANEOUSLY FLASHING HEADLAMPS.

When a motor vehicle is being operated on a highway or shoulder adjacent thereto during the times specified in K.S.A. 8-1703, and amendments thereto, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

- (a) When the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in subsection (a)(2) of K.S.A. 8-1724, and amendments thereto, or subsection (b)(2) of K.S.A. 8-1805, and amendments thereto, shall be dimmed to avoid glare at all times, regardless of road contour and loading.
- (b) When the driver of a vehicle approaches another vehicle from the rear, within 300 feet, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this article other than the uppermost distribution of light specified in subsection (a)(1) of K.S.A. 8-1724, and amendments hereto, or subsection (b)(1) of K.S.A. 8-1805, and amendments thereto.
- (c) The requirements in subsections (a) and (b) shall not apply to.
 - (1) Authorized emergency vehicles displaying alternately flashing or simultaneously flashing head lamps as provided in K.S.A. 8-1720, and amendments thereto; or
 - (2) school buses displaying alternately flashing or simultaneously flashing head lamps as provided in K.S.A. 8-1730, and amendments thereto.

History: (L. 1974, ch. 33, § 8-1725; L. 1984, ch. 40, § 1; L. 1989, ch. 43, § 2; L. 2000, ch. 74, § 1; Apr. 20.)

8-1729. LIGHTS AND SIGNALS; RESTRICTIONS; EXCEPTIONS FOR CERTAIN VEHICLES INCLUDING SCHOOL, CHURCH AND DAY CARE BUSES.

- (a) During the times specified in K.S.A. 8-1703, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, vehicular hazard warning lamps and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.
- (b) Except as required or permitted in K.S.A. 8-1720 and 8-1730, and any amendments thereto, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device capable of displaying a red light visible from directly in front of the center thereof, nor shall any vehicle or equipment upon any highway have any lamp or device displaying any color of light visible from directly in front of the center thereof except white or amber or any shade of color between white and amber.
- (c) Flashing lights are prohibited except as authorized or required in K.S.A. 8-1717, 8-1720, 8-1721, 8-1722, 8-1723(e), 8-1730, 8-1730a and 8-1731, and any amendments thereto.
- (d) The flashing lights described in K.S.A. 8-1720, 8-1730 and 8-1730a, and any amendments thereto, shall not be used on any vehicle other than a school bus, church bus or day care program bus, as defined in K.S.A. 8-1730a, or an authorized emergency vehicle.
- (e) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

History: L. 1974, ch. 33, § 8-1729; L. 1975, ch. 39, § 24; L. 1978, ch. 40, § 1; L. 1980, ch. 43, § 1; July 1.

8-1730. LIGHTING EQUIPMENT AND WARNING DEVICES ON SCHOOL BUSES.

- (a) Every school bus, in addition to any other equipment and distinctive markings required by this act, shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall be visible at 500 feet in normal sunlight.
- (b) Any school bus, in addition to the lights required by subsection (a), may be equipped with yellow signal lamps mounted near each of the four red lamps and at the same level but closer to the vertical centerline of the bus, which shall display two alternately flashing yellow lights to the front and two alternately flashing yellow lights to the rear, and these lights shall be visible at 500 feet in normal sunlight. These lights shall be displayed by the school bus driver at least 200 feet, but not more than 1,000 feet, before every stop at which the alternately flashing red lights required by subsection (a) will be actuated.
- (c) The state board of education is authorized to adopt rules and regulations promulgating standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with the provisions of this act. Such standards and specifications shall correlate with and so far as consistent with the provisions of this act conform to the specifications then current as approved by the society of automotive engineers.
- (d) The provisions of this section shall be subject to the provisions contained in K.S.A. 8-2009a, and amendments thereto.

History: L. 1974, ch. 33, § 8-1730; L. 1975, ch. 39, § 25; L. 1975, ch. 427, § 35; L. 1976, ch. 40, § 8; L. 1994, ch. 201, § 3; July 1.

**8-1730a. DEFINITIONS OF "CHURCH BUS" AND "DAY CARE PROGRAM BUS";
EQUIPMENT AND MARKINGS.**

- (a) As used in chapter 8 of Kansas Statutes Annotated, "church bus" means every **bus** owned by a religious organization, and operated for the transportation of persons to or from services or activities of such religious organization. As used in this section, "religious organization" means any organization, church, body of communicants or group, gathered in common membership for mutual edification in piety, worship and religious observances, or a society of individuals united for religious purposes at a definite place.
- (b) As used in chapter 8 of Kansas Statutes Annotated "day care program" means the same as is ascribed thereto in K.S.A. 39-1006, and amendments thereto, and "day care program bus" means every **bus** used primarily to carry out functions of a day care program **or used by a child care facility licensed by the Kansas department of health and environment who provides transportation for children six through 18 years of age.**
- (c) Any church bus or day care program bus, in addition to any other equipment and distinctive markings required by law, may be equipped with: (1) Signal lamps which conform to the requirements of K.S.A. 8-1730, **and amendments thereto**, and rules and regulations adopted pursuant thereto; and (2) a stop signal arm which conforms to requirements applicable to school buses which have been adopted by rules and regulations of the state board of education.

History: L. 1978, ch. 40, § 3; L. 1980, ch. 43, § 2; L. 1994, ch. 201, § 4; July 1.

**8-1741. WINDSHIELDS AND WINDOWS; DAMAGED WINDSHIELDS PROHIBITED;
OBSTRUCTION OR IMPAIRMENT PROHIBITED; WIPERS.**

- (a) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle which substantially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway.
- (b) No person shall drive any motor vehicle with a damaged front windshield or side or rear windows which substantially obstructs the driver's clear view of the highway or any intersecting highway.
- (c) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.
- (d) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

History: L. 1974, ch. 33, § 8-1741; L. 1993, ch. 37, § 1; July 1.

8-1742 RESTRICTIONS AS TO TIRE EQUIPMENT.

- (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.
- (b) No person shall operate or move on any highway any motor vehicle, trailer or semitrailer having any metal tire in contact with the roadway.
- (c) No tire on a vehicle moved on a highway shall have on its periphery any protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use:
 - (1) Farm machinery with tires having protuberances which will not injure the highway;
 - (2) tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid;
 - (3) studded traction equipment upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid; or
 - (4) pneumatic tires having metallic or nonmetallic studs designed to improve traction without materially injuring the surface of the highway. To qualify under paragraph (3) or (4), such tires or studded traction equipment shall be approved by the secretary of transportation by adoption of rules and regulations, and their use may be limited to certain months or types of vehicles by such rules and regulations.
- (d) The secretary of transportation and local authorities in their respective jurisdictions may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.
- (e) It is unlawful for any person to operate a motor vehicle or combination of vehicles having one or more tires in an unsafe condition. A solid rubber tire is in an unsafe condition if it does not comply with the provisions of subsection (a). A pneumatic tire is in an unsafe condition if it has:
 - (1) Any part of the ply or cord exposed;
 - (2) any bump, bulge or separation;
 - (3) a tread design depth of less than 1/16 inch measured in any two or more adjacent tread grooves, exclusive of tie bars, or, for those tires with tread wear indicators worn to the level of the tread wear indicators in any two tread grooves;
 - (4) a marking "not for highway use" or "for racing purposes only" or "unsafe for highway use";

- (5) tread of sidewall cracks, cuts or snags deep enough to expose the body cord;
 - (6) been regrooved or recut below the original tread design depth, excepting special taxi tires which have extra undertread rubber and are identified as such; or
 - (7) such other conditions as may be reasonably demonstrated to render it unsafe.
- (f) The provisions of subsection (e) shall not apply to a vehicle or combination of vehicles being transported by a wrecker or tow truck, as defined in K.S.A. 66-1329, and amendments thereto.
- (g) It shall be unlawful for any person to operate a vehicle with a single tire on any hubs configured for a dual tire assembly. The provisions of this subsection shall not apply: (1) To any truck registered for a gross weight of 20,000 pounds or less; (2) to any vehicle or combination of vehicles operating with wide-base single tires, as defined in K.S.A. 8-1742b, and amendments thereto, on any hubs configured for a dual tire assembly; (3) to any single axle with hubs configured for a dual tire assembly when such single axle does not exceed 9,000 pounds and is a part of a triple-axle combination; or (4) in cases of emergency.

History: L. 1974, ch. 33, § 8-1742; L. 1975, ch. 427, § 41; L. 1984, ch. 39, § 16; L. 1986, ch. 42, § 1; L. 1993, ch. 262, § 1; L. 1994, ch. 342, § 4; July 1.

8-1744. FLARES OR WARNING DEVICES; VEHICLES SUBJECT TO REQUIREMENTS; USE, WHEN REQUIRED; UNLAWFUL ACTS; COMPLIANCE WITH FEDERAL REQUIREMENTS.

- (a) No person shall operate any truck, bus or truck-tractor, or any motor vehicle towing a trailer, semitrailer or pole trailer eighty (80) inches or more in width or thirty (30) feet or more in length, upon any highway outside an urban district or upon any divided highway at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicles the following equipment, except as provided in subsection (b):
- (1) At least three (3) flares or three (3) red electric lanterns or three (3) portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred (600) feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern or warning flag shall be used for the purpose of compliance with the requirements of this section, unless such equipment is of a type which has been submitted to the secretary of transportation and approved by the secretary. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section, unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within six hundred (600) feet to one hundred (100) feet under normal atmospheric conditions at night when directly in front of lawful lower beams of head lamps, and unless it is of a type which has been submitted to and approved by the secretary of transportation.

- (2) At least three (3) red-burning fusees, unless red electric lanterns or red portable emergency reflectors are carried.
- (b) No person shall operate at the time and under conditions stated in subsection (a) any motor vehicle used for the transportation of explosives or any cargo tank truck used for the transportation of flammable liquids or compressed gases, unless there shall be carried in such vehicle three (3) red electric lanterns or three (3) portable red emergency reflectors meeting the requirements of subsection (a), and there shall not be carried in any said vehicle, or in any vehicle using compressed gas as a fuel, any flares, fusees or signal produced by flame.
- (c) No person shall operate any vehicle described in subsection (a) or (b) upon any highway outside of an urban district or upon a divided highway at any time when lighted lamps are not required by K.S.A. 8-1703, unless there shall be carried in such vehicle at least two (2) red flags, not less than twelve (12) inches square, with standards to support such flags.
- (d) Any person who is subject to requirements of any federal agency with respect to flares, fusees, electric lanterns or warning flags and who is in compliance with such federal regulations shall be deemed to be in compliance with the provisions of this section and K.S.A. 8-1745.

History: L. 1974, ch. 33, § 8-1744; L. 1975, ch. 39, § 27; L. 1975, ch. 427, § 43; Aug. 15.

8-1745. DISPLAY OF VEHICULAR HAZARD WARNING SIGNAL LAMPS AND WARNING DEVICES BY CERTAIN STOPPED OR DISABLED VEHICLES.

- (a) Whenever any truck, bus, truck-tractor, trailer, semitrailer or pole trailer eighty (80) inches or more in overall width or thirty (30) feet or more in overall length is stopped upon a roadway or adjacent shoulder, the driver immediately shall actuate vehicular hazard warning signal lamps meeting the requirements of K.S.A. 8-1722. Such lights need not be displayed by a vehicle parked lawfully in an urban district, or stopped lawfully to receive or discharge passengers, or stopped to avoid conflict with other traffic or to comply with the directions of a police officer or an official traffic-control device, or while the devices specified in subsections (b) to (h) are in place.

- (b) Whenever any vehicle of a type referred to in subsection (a) is disabled, or stopped for more than ten (10) minutes, upon a roadway outside of an urban district at any time when lighted lamps are required, the driver of such vehicle shall display the following warning devices, except as provided in subsection (c):
- (1) A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall immediately be placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.
 - (2) As soon thereafter as possible but in any event within the burning period of the fusee, the driver shall place three (3) liquid-burning flares, or three (3) lighted red electric lanterns, or three (3) portable red emergency reflectors on the roadway in the following order:
 - (i) One (1) approximately one hundred (100) feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.
 - (ii) One (1) approximately one hundred (100) feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.
 - (iii) One (1) at the traffic side of the disabled vehicle not less than ten (10) feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph (1) of this subsection, it may be used for this purpose.
- (c) Whenever any vehicle referred to in this section is disabled, or stopped for more than ten (10) minutes, within five hundred (500) feet of a curve, hillcrest or other obstruction to view, the warning device in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred (100) feet nor more than five hundred (500) feet from the disabled vehicle.

- (d) Whenever any vehicle of a type referred to in this section is disabled, or stopped for more than ten (10) minutes, upon any roadway of a divided highway during the time lighted lamps are required, the appropriate warning devices prescribed in subsections (b) and (e) shall be placed as follows: One (1) at a distance of approximately two hundred (200) feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one (1) at a distance of approximately one hundred (100) feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; one (1) at the traffic side of the vehicle and approximately ten (10) feet from the vehicle in the direction of the nearest approaching traffic.
- (e) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed gas is disabled, or stopped for more than ten (10) minutes, at any time and place mentioned in subsection (b), (c) or (d), the driver of such vehicle shall immediately display red electric lanterns or portable red emergency reflectors in the same number and manner specified therein. Flares, fusees or signals produced by flame shall not be used as warning devices for vehicles of the type mentioned in this subsection nor for vehicles using compressed gas as a fuel.
- (f) The warning devices described in subsections (b) to (e) need not be displayed where there is sufficient light to reveal persons and vehicles within a distance of one thousand (1,000) feet.
- (g) Whenever any vehicle described in this section is disabled, or stopped for more than ten (10) minutes, upon a roadway outside of an urban district or upon the roadway of a divided highway at any time when lighted lamps are not required by K.S.A. 8-1703, the driver of the vehicle shall display two (2) red flags as follows:
 - (1) If traffic on the roadway moves in two (2) directions, one (1) flag shall be placed approximately one hundred (100) feet to the rear and one (1) flag approximately one hundred (100) feet in advance of the vehicle in the center of the lane occupied by such vehicle.
 - (2) Upon a one-way roadway, one (1) flag shall be placed approximately one hundred (100) feet and one (1) flag approximately two hundred (200) feet to the rear of the vehicle in the center of the lane occupied by such vehicle.

- (h) When any vehicle described in this section is stopped entirely off the roadway and on an adjacent shoulder at any time and place hereinbefore mentioned, the warning devices shall be placed, as nearly as practicable, on the shoulder near the edge of the roadway.
- (i) The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the requirements of K.S.A. 8-1744 applicable thereto.

History: L. 1974, ch. 33, § 8-1745; July 1.

8-1748. TELEVISION RECEIVERS; EXCEPTIONS.

(a) No motor vehicle operated on the highways of this state shall be equipped with television-type receiving equipment so located that the viewer or screen is visible from the driver's seat.

(b) This section does not prohibit:

- (1) The use of television-type receiving equipment used exclusively for safety or law enforcement purposes, if such use is approved by the superintendent of the Kansas highway patrol; or
- (2) electronic displays used in conjunction with vehicle navigation systems.

History: L. 1974, ch. 33, § 8-1748; L. 1994, ch. 194, § 1; July 1.

8-1749a. ONE-WAY GLASS AND SUN SCREENING DEVICES; REQUIREMENTS; PENALTIES.

- (a) No motor vehicle required to be registered in this state and which is operated on the highways of this state shall be equipped with one-way glass or any sun screen device, as defined in K.S.A. 8-1749b, and used in conjunction with safety glazing materials that do not meet the following requirements:
 - (1) A sun screening device when used in conjunction with the windshield shall be non reflective and shall not be red, yellow or amber in color. A sun screening device shall be used only along the top of the windshield and shall not extend downward beyond the AS1 line which is clearly defined and marked;
 - (2) a sun screening device when used in conjunction with the safety glazing materials of the side wings or side windows located at the immediate right and left of the driver, the side windows behind the driver and the rear most window shall be non reflective; and
 - (3) the total light transmission shall not be less than 35% when a sun screening device is used in conjunction with safety glazing materials or other existing sun screening devices.
- (b) The superintendent of the highway patrol may adopt such rules and regulations necessary to carry out the provisions of subsection (a).
- (c) This section shall not prohibit labels, stickers or other informational signs that are required or permitted by state law.
- (d) No motor vehicle required to be registered in this state which is operated on the highways of this state shall be equipped with head lamps which are covered with any sun screen device, adhesive film or other glaze or application which, when such lamps are not in operation, is highly reflective or otherwise nontransparent.
- (e)
 - (1) From and after July 1, 1987, and prior to January 1, 1988, a law enforcement officer shall issue a warning citation to any person violating the provisions of this section.
 - (2) From and after January 1, 1988, any person convicted of violating the provisions of this section shall be guilty of a misdemeanor.

History: L. 1977, ch. 27, § 1; L. 1984, ch. 39, § 20; L. 1987, ch. 48, § 3; July 1.

8-1749b. SUN SCREENING DEVICES; DEFINITIONS.

For the purpose of K.S.A. 8-1749a, and amendments thereto:

- (a) "Sun screening devices" means a film material or device that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun;
- (b) "light transmission" means the ratio of the amount of total light to pass through a product or material including any safety glazing material to the amount of the total light falling on the product or material and the glazing;
- (c) "luminous reflectants" means the ratio of the amount of total light that is reflected outward by the product or material to the amount of the total light falling on the product or material;
- (d) "nonreflective" means a product or material designed to absorb light rather than to reflect it.

History: L. 1987, ch. 48, § 1; July 1.

8-1749c. UNLAWFUL INSTALLATION OF SUN SCREENING DEVICE; PENALTY.

Any person who installs a sun screening device on a motor vehicle which is not in compliance with the provisions of K.S.A. 8-1749a, and amendments thereto, upon conviction, shall be guilty of a class C misdemeanor.

History: L. 1987, ch. 48, § 2; July 1.

**8-2009. REGULATIONS GOVERNING DESIGN AND OPERATION OF SCHOOL BUSES;
EFFECT OF NONCOMPLIANCE.**

- (a) All seats on school buses shall be forward-facing and shall be securely fastened to that part or parts of the school bus which support them, and any rule and regulation of the state board of education providing for any other seating arrangement shall be null and void. The state board of education shall adopt and enforce rules and regulations not inconsistent with this act to govern the design and operation of all school buses. The state board of education shall confer and consult, at such time or times as deemed necessary or advisable, with school officers and administrators and other persons responsible for school transportation services as to the effect of such rules and regulations. When any privately owned school bus is operated under contract with any school district or nonpublic school in this state, such rules and regulations shall by reference be made a part of any such contract with a school district or with a nonpublic school. Every school district, its officers and employees, and every nonpublic school, its officers and employees, and every person employed under contract by a school district or a nonpublic school shall be subject to such rules and regulations.
- (b) Any officer or employee of any school district who violates any of the rules and regulations or fails to include obligation to comply with such rules and regulations in any contract executed 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 of the rules and 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.
- (c) The provisions of this section shall be subject to the provisions contained in K.S.A. 8-2009a, and amendments thereto.

History: L. 1974, ch. 33, § 8-2009; L. 1975, ch. 426, § 51; L. 1976, ch. 40, § 10; L. 1994, ch. 201, § 5; July 1.

8-2009a. SCHOOL BUSES; EXEMPTIONS FROM REQUIREMENTS OF LAW AND REGULATIONS; APPROVAL BY STATE BOARD OF EDUCATION.

- (a) Every school bus, as defined in K.S.A. 8-1461, and amendments thereto, shall be governed by the requirements of law and rules and regulations of the state board of education applicable to design, lighting equipment, distinctive markings, special warning devices, and any other equipment which are in effect on the date any such school bus is purchased or otherwise acquired, and shall be exempt from the requirements of law and rules and regulations which become effective at any time during a period of 20 years from the date of manufacture of such school bus, except that any school bus which was in operation on July 1, 1994, and exceeds such 20-year period shall be exempt until July 1, 1998. The state board of education is hereby required to approve any such school bus as to design, and as to lighting equipment, special warning devices, distinctive markings, and any other equipment required by law and rules and regulations, for operation as a school bus during such exemption period upon submission of a request for such approval.
- (b) The state board of education is authorized to establish the procedure to be followed when request for approval of any such school bus is submitted under this section. The approval shall be in writing and a copy of the written approval shall be carried in the school bus at all times, but failure to carry such copy of the written approval shall not affect the status of the school bus as an approved school bus. The state board of education shall maintain a list of all such school buses which have been approved by the board.

History: L. 1976, ch. 40, § 11; L. 1994, ch. 201, § 6; L. 1997, ch. 133, § 3; July 1.

**8-2137. AUTOMOBILES AND OTHER VEHICLES ARTICLE 2.--DRIVERS' LICENSES
SAME; TESTS FOR ALCOHOL OR DRUGS; CONSENT IMPLIED.**

- (a) A person who drives a commercial motor vehicle within this state is deemed to have given consent, subject to provisions of K.S.A. 8-1001 *et seq.*, and amendments thereto, and K.S.A. 8-1567, and amendments thereto, to take a test or tests of that person's blood, breath or urine for the purpose of determining that person's alcohol concentration or the presence of other drugs.
- (b) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that driver was driving a commercial motor vehicle while having alcohol or other drugs in such person's system.

History: L. 1989, ch. 38, § 13; July 1.

**8-2138. AUTOMOBILES AND OTHER VEHICLES ARTICLE 2.--DRIVERS' LICENSES
SAME; NOTIFICATION OF CONVICTION OF TRAFFIC CONTROL TO
LICENSING STATE.**

Within 10 days after receiving a report of the conviction of any nonresident holder of a commercial driver's license for any violation of state law or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the division shall notify the driver licensing authority in the licensing state of the conviction.

History: L. 1989, ch. 38, § 14; July 1.

8-2501. SAFETY BELT USE ACT; CITATION.

This act may be cited as the safety belt use act.

History: L. 1986, ch. 35, § 1; July 1.

8-2502. SAME; "PASSENGER CAR" DEFINED.

As used in this act, "passenger car" means a motor vehicle with motive power designed for carrying 10 passengers or fewer, including vans, but does not include a motorcycle, a trailer or a vehicle constructed either on a truck chassis registered for a gross weight of more than 12,000 pounds or a farm truck registered for a gross weight of more than 16,000 pounds or a vehicle constructed with special features for occasional off-road operation.

History: L. 1986, ch. 35, § 2; July 1.

**8-2503. SAME; WEARING OF SEAT BELT BY CERTAIN PERSONS REQUIRED;
EXCEPTIONS; EDUCATIONAL PROGRAM; EVALUATION OF
EFFECTIVENESS OF ACT; ACT ENFORCED ONLY WHEN DRIVER STOPPED
FOR VIOLATION OF ANOTHER LAW.**

- (a) Except as provided in K.S.A. 8-1344 and 8-1345, and amendments thereto, and in subsection (b), each front seat occupant of a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208 shall have a safety belt properly fastened about such person's body at all times when the vehicle is in motion.

- (b) This section does not apply to:
- (1) An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;
 - (2) carriers of United States mail while actually engaged in delivery and collection of mail along their specified routes;
 - (3) newspaper delivery persons while actually engaged in delivery of newspapers along their specified routes; or
 - (4) an occupant of a passenger car required to be protected by a safety restraining system under the child passenger safety act.
- (c) The secretary of transportation shall initiate an educational program designed to encourage compliance with the safety belt usage provisions of this act.
- (d) The secretary shall evaluate the effectiveness of this act and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits under 23 U.S.C. 402.
- (e) Law enforcement officers shall not stop drivers for violations of this act in the absence of another violation of law. A citation for violation of this act shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.

History: L. 1986, ch. 35, § 3; L. 1989, ch. 40, § 4; July 1.

8-2507. SAME; MANUFACTURER WARRANTY ON SAFETY BELTS; "MOTOR VEHICLE" DEFINED.

- (a) From and after the effective date of this act, a manufacturer of a motor vehicle sold in this state which is equipped with safety belts in compliance with federal motor vehicle safety standard no. 208, shall provide for a ten-year warranty on such safety belts.
- (b) As used in this section, "motor vehicle" means a new motor vehicle which is sold in this state, and which is registered for a gross weight of 12,000 pounds or less, and does not include the customized parts of motor vehicles which have been added or modified by second stage manufacturers, first stage converters or second stage converters as defined in K.S.A. 8-2401 and amendments thereto.

History: L. 1986, ch. 35, § 7; July 1.

21-4009. SMOKING IN A PUBLIC PLACE; DEFINITIONS. AS USED IN THIS ACT:

- (a) "Public place" means enclosed indoor areas open to the public or used by the general public including but not limited to: Restaurants, retail stores, public means of mass transportation, passenger elevators, health care institutions or any other place where health care services are provided to the public, educational facilities, libraries, courtrooms, state, county or municipal buildings, restrooms, grocery stores, school buses, museums, theaters, auditoriums, arenas and recreational facilities.
- (b) "Public meeting" includes all meetings open to the public.
- (c) "Smoking" means possession of a lighted cigarette, cigar, pipe or any other lighted smoking equipment.

21-4010. SAME; SMOKING IN PUBLIC PLACE PROHIBITED, EXCEPTIONS; DESIGNATED SMOKING AREAS.

- (a) No person shall smoke in a public place or at a public meeting except in designated smoking areas.
- (b) Smoking areas may be designated by proprietors or other persons in charge of public places, except in passenger elevators, school buses, public means of mass transportation and any other place in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation.
- (c) Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas.

History: L. 1987, ch. 110, § 2; July 1.

21-4204. CRIMINAL POSSESSION OF A FIREARM.

- (a) Criminal possession of a firearm is:
 - (1) Possession of any firearm by a person who is both addicted to and an unlawful user of a controlled substance;
 - (2) possession of any firearm by a person who has been convicted of a person felony or a violation of any provision of the uniform controlled substances act under the laws of Kansas or a crime under a law of another jurisdiction which is substantially the same as such felony or violation, or was adjudicated a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a person felony or a violation of any provision of the uniform controlled substances act, and was found to have been in possession of a firearm at the time of the commission of the offense;

- (3) possession of any firearm by a person who, within the preceding five years has been convicted of a felony, other than those specified in subsection (a)(4)(A), under the laws of Kansas or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for a felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a felony, and was found not to have been in possession of a firearm at the time of the commission of the offense;
- (4) possession of any firearm by a person who, within the preceding 10 years, has been convicted of: (A) A felony under K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3502, 21-3506, 21-518, 21-3716, 65-4127a or 65-4127b, K.S.A. 2000 Supp. 21-3442 or 65-4160 through 65-64, and amendments thereto, or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for such felony, or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of such felony, was found not to have been in possession of a firearm at the time of the commission of the offense, and has not had the conviction of such crime expunged or been pardoned for such crime; or (B) a nonperson felony under the laws of Kansas or a crime under the laws of another jurisdiction which is substantially the same as such nonperson felony, has been released from imprisonment for such nonperson felony or was adjudicated as a juvenile offender because of the commission of an act which if done by an adult would constitute the commission of a nonperson felony, and was found to have been in possession of a firearm at the time of the commission of the offense;
- (5) possession of any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades 1 through 12 or at any regularly scheduled school sponsored activity or event; or
- (6) refusal to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer.

- (b) Subsection (a)(5) shall not apply to:
- (1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;
 - (2) any possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;
 - (3) possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student; or
 - (4) possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day.
- (c) Violation of subsection (a)(1) or (a)(5) is a class B nonperson select misdemeanor; violation of subsection (a)(2), (a)(3) or (a)(4) is a severity level 8, nonperson felony; violation of subsection (a)(6) is a class A nonperson misdemeanor.

History: L. 1969, ch. 180, § 21-4204; L. 1970, ch. 124, § 8; L. 1990, ch. 102, § 2; L. 1991, ch. 85, § 1; L. 1992, ch. 298, § 70; L. 1993, ch. 291, § 149; L. 1994, ch. 348, § 4; L. 1995, ch. 92, § 2; L. 1996, ch. 158, § 4; July 1.

38-1522. MINORS KANSAS CODE FOR CARE OF CHILDREN

Same; persons reporting; reports, made to whom; penalties to report or interference with making of report.

- (a) When any of the following persons has reason to suspect that a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsection (c) or (e): Persons licensed to practice the healing arts or dentistry; persons licensed to practice optometry; persons engaged in postgraduate training programs approved by the state board of healing arts; licensed psychologists; licensed professional or practical nurses examining, attending or treating a child under the age of 18; teachers, school administrators or other employees of a school which the child is attending; chief administrative officers of medical care facilities; registered marriage and family therapists; persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child; licensed social workers; firefighters; emergency medical services personnel; mediators appointed under K.S.A. 23-602 and amendments thereto; juvenile intake and assessment workers; and law enforcement officers. The report may be made orally and shall be followed by a written report if requested. When the suspicion is the result of medical examination or treatment of a child by a member of the staff of a medical care facility or similar institution, that staff member shall immediately notify the superintendent, manager or other person in charge of the institution who shall make a written report forthwith. Every written report shall contain, if known, the names and addresses of the child and the child's parents or other persons responsible for the child's care, the child's age, the nature and extent of the child's injury (including any evidence of previous injuries) and any other information that the maker of the report believes might be helpful in establishing the cause of the injuries and the identity of the persons responsible for the injuries.
- (b) Any other person who has reason to suspect that a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse may report the matter as provided in subsection (c) or (e).
- (c) Except as provided by subsection (e), reports made pursuant to this section shall be made to the state department of social and rehabilitation services. When the department is not open for business, the reports shall be made to the appropriate law enforcement agency. On the next day that the state department of social and rehabilitation services is open for business, the law enforcement agency shall report to the department any report received and any investigation initiated pursuant to subsection (a) of K.S.A. 38-1524 and amendments thereto. The reports may be made orally or, on request of the department, in writing.

- (d) Any person who is required by this section to report an injury to a child and who knows of the death of a child shall notify immediately the coroner as provided by K.S.A. 22a-242, and amendments thereto.
- (e) Reports of child abuse or neglect occurring in an institution operated by the secretary of social and rehabilitation services or the commissioner of juvenile justice shall be made to the attorney general. All other reports of child abuse or neglect by persons employed by or of children of persons employed by the state department of social and rehabilitation services or the juvenile justice authority shall be made to the appropriate law enforcement agency.
- (f) Willful and knowing failure to make a report required by this section is a class B misdemeanor.
- (g) Preventing or interfering with, with the intent to prevent, the making of a report required by this section is a class B misdemeanor.

History: L. 1982, ch. 182, § 19; L. 1983, ch. 140, § 19; L. 1985, ch. 147, § 8; L. 1986, ch. 299, § 4; L. 1987, ch. 152, § 1; L. 1988, ch. 140, § 2; L. 1991, ch. 114, § 13; L. 1992, ch. 312, § 38; L. 1996, ch. 229, § 36; L. 1997, ch. 156, § 43; July 1.

40-1112a. DISCOUNT FOR MOTOR VEHICLE INSURANCE, WHEN; CONDITIONS.

- (a) Any rates, rating schedules, or rating manuals for the liability, personal injury protection, and collision coverages of a motor vehicle insurance policy submitted to or filed with the insurance commissioner shall provide for an appropriate reduction in premium charges as to such coverages for a three-year period after the principal operator of the covered vehicle successfully completes a motor vehicle accident prevention course approved by the national safety council or a governmental agency such as the state board of education. The rates, rating schedule or rating manuals required by subsection (a) shall be submitted to or filed with the commissioner of insurance at the time of the next regular filing with the commissioner after the effective date of this act. Any discount used by an insurer shall be presumed appropriate unless credible data demonstrates otherwise. Only one discount shall be allowed for each qualified person.
- (b) The premium reduction required by this section shall be effective for an insured for a three-year period after successful completion of the approved course, except that the insurer may require, as a condition of providing and maintaining the discount, that the insured for a three-year period after course completion not be involved in an accident for which the insured is at fault, nor be convicted of more than one moving violation.

- (c) Upon successfully completing the approved course, each person shall be issued a certificate by the organization offering the course which shall be used to qualify for the premium discount required by this section.
- (d) This section shall not apply in the event the approved course is specified by an administrative order of the director of vehicles or by a court order as a result of a moving traffic violation.
- (e) Each participant shall take an approved course every three years to continue to be eligible for the reduction in premiums.

History: L. 1992, ch. 310, § 1; L. 1999, ch. 17, § 1; July 1.

72-1046a. NONRESIDENT PUPILS; ATTENDANCE IN SCHOOL.

- (a) The board of education of any school district is hereby authorized to permit pupils who are not residents of the school district to enroll in and attend the schools of the district. The board of education may permit such pupils to attend school without charge or, subject to the provisions of subsection (b), may charge such pupils for attendance at school to offset, totally or in part, the costs of providing for such attendance. Amounts received under this subsection by the board of education of a school district for enrollment and attendance of pupils at school in regular educational programs shall be deposited in the general fund of the school district.
- (b) Pupils who are not residents of a school district and are attending the schools of the school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, shall not be charged for attendance at school. The costs of providing for the attendance of such pupils at school shall be paid by the school district of residence of the pupils in accordance with the provisions of the agreement.

History: L. 1978, ch. 284, § 1; L. 1984, ch. 261, § 4; L. 1993, ch. 264, § 1; April 29.

72-1046b. SAME; PROVISION OF TRANSPORTATION AUTHORIZED; APPLICABILITY; CONDITIONS. (A) AS USED IN THIS SECTION:

- (1) "School district" means a school district organized and operating under the laws of this state and no part of which is located in Johnson county, Sedgwick county, Shawnee county, or Wyandotte county.
 - (2) "Receiving school district" means a school district of nonresidence of a pupil.
 - (3) "Sending school district" means a school district of residence of a pupil.
 - (4) "Pupil" means a person who is enrolled and in attendance at school in a receiving school district and who (A) lives 10 or more miles from the attendance center the pupil would attend in a sending school district and nearer to an appropriate attendance center in a receiving school district or (B) is a member of the family of a pupil meeting the condition prescribed in subpart (A).
 - (5) "Member of the family" means a brother or sister of the whole or half blood or by adoption, a stepbrother or sister, and a foster brother or sister.
- (b) The parent or legal guardian of any pupil may apply to the board of education of a sending school district on or before July 15 of the current school year for authority for such pupil to be furnished or provided transportation to school from the pupil's residence and from school to the pupil's residence by the receiving school district. The application shall be made upon forms prescribed by the state board of education.
- (c) Upon receiving any application under this section, the board of education of a sending school district shall inquire of the receiving school district whether it is willing to furnish or provide transportation for the pupil named in the application. If the board of education of the sending school district determines that the receiving school district is willing to furnish or provide transportation for the pupil and the board of education of the sending school district and the board of education of the receiving school district agree that the pupil is a pupil as defined in subsection (a)(4)(A) or (B), the board of the sending school district shall issue an order authorizing the furnishing or provision of transportation by the receiving school district for the affected pupil to school from the pupil's residence and to the pupil's residence from school.

- (d) Pupils attending school in a receiving school district under the provisions of this section shall be counted as regularly enrolled in and attending school in the receiving school district for the purpose of computations, except computation of transportation weighting, under the school district finance and quality performance act and for the purposes of the statutory provisions contained in article 83 of chapter 72 of Kansas Statutes Annotated. No such pupil shall be charged for the costs of attendance at school in a receiving school district.

History: L. 1997, ch. 183, § 2; L. 1999, ch. 20, § 1; L. 2000, ch. 155, § 1; L. 2001, ch. 22, § 1; July 1.

72-5213. CERTIFICATION OF HEALTH; FORM AND CONTENTS; EXPENSE OF OBTAINING; ALTERNATIVE CERTIFICATION.

- (a) Every board of education shall require all employees of the school district, who come in regular contact with the pupils of the school district, to submit a certification of health signed by a person licensed to practice medicine and surgery under the laws of any state on a form prescribed by the secretary of health and environment. The certification shall include a statement that there is no evidence of physical condition that would conflict with the health, safety, or welfare of the pupils; and that freedom from tuberculosis has been established by chest x-ray or negative tuberculin skin test. If at any time there is reasonable cause to believe that any such employee of the school district is suffering from an illness detrimental to the health of the pupils, the school board may require a new certification of health.
- (b) Upon presentation of a signed statement by the employee of a school district, to whom the provisions of subsection (a) apply, that the employee is an adherent of a religious denomination whose religious teachings are opposed to physical examinations, the employee shall be permitted to submit, as an alternative to the certification of health required under subsection (a), certification signed by a person licensed to practice medicine and surgery under the laws of any state that freedom from tuberculosis has been established.
- (c) Every board of education may require persons, other than employees of the school district, to submit to the same certification of health requirements as are imposed upon employees of the school district under the provisions of subsection (a) if such persons perform or provide services to or for a school district which require such persons to come in regular contact with the pupils of the school district. No such person shall be required to submit a certification of health if the person presents a signed statement that the person is an adherent of a religious denomination whose religious teachings are opposed to physical examinations. Such persons shall be permitted to submit, as an alternative to a certification of health, certification signed by a person licensed to practice medicine and surgery under the laws of any state that freedom from tuberculosis has been established.

- (d) The expense of obtaining certifications of health and certifications of freedom from tuberculosis may be borne by the board of education.

History: L. 1963, ch. 358, § 2; L. 1974, ch. 300, § 1; L. 1975, ch. 370, § 1; L. 1980, ch. 219, § 1; L. 1999, ch. 116, § 50; July 1.

72-5390 FEES; SUPPLEMENTAL CHARGES AUTHORIZED TO BE PRESCRIBED AND COLLECTED; DISPOSITION OF MONEYS; REVOLVING FUND.

- (a) The board of education of any school district may prescribe, assess and collect fees and supplemental charges for:
- (1) The use, rental or purchase by pupils of any of the items designated in K.S.A. 72-5389, and amendments thereto, to offset, in part or in total, the expense of purchasing such items; and
 - (2) participation in activities, or the use of facilities, materials and equipment, which participation or use is not mandatory, but optional to pupils, whether incidental to curricular, extracurricular or other school-related activities.
- (b) Except as otherwise provided in this section, moneys received by a board of education under this section shall be deposited in the general fund of the school district and shall be considered reimbursements to the district for the purpose of the school district finance and quality performance act and may be expended whether the same have been budgeted or not and amounts so expended shall not be considered operating expenses.
- (c) Moneys received by a board of education under this section for the use, rental or purchase by pupils of any of the items designated in paragraph (a) of K.S.A. 72-5389, and amendments thereto, may be deposited in the revolving fund established by the board for the purpose of purchasing textbooks under the provisions of article 41 of chapter 72 of Kansas Statutes Annotated, and the board may expend moneys from such revolving fund for the purpose of purchasing the items.
- (d) The board of education may establish a revolving fund for the purpose of purchasing any of the items designated in paragraphs (b) through (e) of K.S.A. 72-5389, and amendments thereto, and moneys received by the board of education under this section for use, rental or purchase by pupils of any of the items may be deposited in such revolving fund.

History: L. 1976, ch. 304, § 2; L. 1979, ch. 225, § 1; L. 1993, ch. 264, § 2; L. 1995, ch. 90, § 2; July 1.

72-8301. DEFINITIONS.

As used in this act:

- (a) "Board" or "board of education" means the board of education of any school district.
- (b) "School district" means any unified school district organized and operating under the laws of this state.
- (c) The words "provide or furnish transportation" in addition to their ordinary meaning shall mean and include the right of a school district to: (1) Purchase, operate and maintain school buses and other motor vehicles; (2) contract, lease or hire school buses and other motor vehicles for the transportation of pupils, students and school personnel; (3) purchase, operate and maintain buses other than school buses for the transportation of pupils, students or school personnel to or from school-related functions or activities; (4) contract, lease or hire buses other than school buses for the transportation of pupils, students and school personnel if the buses are owned and operated by a public common carrier of passengers under a certificate of convenience and necessity granted by the state corporation commission or the interstate commerce commission and are operating within the authority granted to the public common carrier; and (5) reimburse persons who furnish transportation to pupils, students or school personnel in privately owned motor vehicles.
- (d) "Student" or "pupil" means any person regularly enrolled in a school district and attending school in such school district or regularly enrolled in a school district and attending school in another school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto.
- (e) "Motor vehicle" means every motor vehicle, as defined in K.S.A. 8-126, and amendments thereto, which is designed for transporting **10** passengers or less.
- (f) "Bus" means every motor vehicle, as defined in K.S.A. 8-126, and amendments thereto, which is designed for transporting more than **10** passengers in addition to the driver.

- (g) "School bus" means: (1) Every bus designed primarily for the transportation of pupils, students or school personnel to or from school or to or from school-related functions or activities. This definition includes every such bus which is owned by a school district, or privately owned and contracted for, leased or hired by a school district, and operated for such transportation, and every such bus which is privately owned and operated for such transportation, but does not include within its meaning any bus designated in clauses (3) and (4) of subsection (c); and (2) every bus designed for operation as a common carrier in urban transportation. This definition includes every such bus which is owned and operated for mass public transportation by a metropolitan transit authority established under the provisions of article 28 of chapter 12 or article 31 of chapter 13 of Kansas Statutes Annotated, and is contracted for, leased or hired by a school district for the transportation of pupils, students or school personnel to or from school or to or from school-related functions or activities.
- (h) "State board" means the state board of education.

History: L. 1968, ch. 401, § 1; L. 1976, ch. 40, § 2; L. 1978, ch. 303, § 2; L. 1984, ch. 261, § 16; L. 1991, ch. 220, § 6; L. 1997, ch. 183, § 1; July 1.

72-8302 TRANSPORTATION OF PUPILS; AUTHORIZATION TO PROVIDE OR FURNISH; REQUIRED UNDER CERTAIN CONDITIONS; SUSPENSION OR REVOCATION OF PRIVILEGE OR ENTITLEMENT UNDER CERTAIN CIRCUMSTANCES; FEES, AUTHORIZATION TO PRESCRIBE AND COLLECT, LIMITATIONS, DISPOSITION.

- (a) The board of education of a school district may provide or furnish transportation for pupils who are enrolled in the school district to or from any school of the school district or to or from any school of another school district attended by such pupils in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto.
- (b) (1) When any or all of the conditions specified in this provision exist, the board of education of a school district shall provide or furnish transportation for pupils who reside in the school district and who attend any school of the school district or who attend any school of another school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto. The conditions which apply to the requirements of this provision are as follows:
- (A) The residence of the pupil is inside or outside the corporate limits of a city, the school building attended is outside the corporate limits of a city and the school building attended is more than 2 1/2 miles by the usually traveled road from the residence of the pupil; or

- (B) the residence of the pupil is outside the corporate limits of a city, the school building attended is inside the corporate limits of a city and the school building attended is more than 2 1/2 miles by the usually traveled road from the residence of the pupil; or
 - (C) the residence of the pupil is inside the corporate limits of one city, the school building attended is inside the corporate limits of a different city and the school building attended is more than 2 1/2 miles by the usually traveled road from the residence of the pupil.
- (2) The provisions of this subsection are subject to the provisions of subsections (c) and (d).
- (c) The board of education of every school district is authorized to adopt rules and regulations to govern the conduct, control and discipline of all pupils while being transported in school buses. The board may suspend or revoke the transportation privilege or entitlement of any pupil who violates any rules and regulations adopted by the board under authority of this subsection.
 - (d) The board of education of every school district may suspend or revoke the transportation privilege or entitlement of any pupil who is detained at school at the conclusion of the school day for violation of any rules and regulations governing pupil conduct or for disobedience of an order of a teacher or other school authority. Suspension or revocation of the transportation privilege or entitlement of any pupil specified in this subsection shall be limited to the school day or days on which the pupil is detained at school. The provisions of this subsection do not apply to any pupil who has been determined to be an exceptional child, except gifted children, under the provisions of the special education for exceptional children act.
 - (e)
 - (1) Subject to the limitations specified in this subsection, the board of education of any school district may prescribe and collect fees to offset, totally or in part, the costs incurred for the provision or furnishing of transportation for pupils. The limitations which apply to the authorization granted by this subsection are as follows:
 - (A) Fees for the provision or furnishing of transportation for pupils shall be prescribed and collected only to recover the costs incurred as a result of and directly attributable to the provision or furnishing of transportation for pupils and only to the extent that such costs are not reimbursed from any other source provided by law;
 - (B) fees for the provision or furnishing of transportation may not be assessed against or collected from any pupil who is counted in determining the transportation weighting of the school district under the provisions of the school district finance and quality performance act or any pupil who is determined to be a child with disabilities under the provisions of the special education for exceptional children act or any pupil who is eligible for free or reduced price meals under the national school lunch act or any pupil who is entitled to transportation under the provisions of subsection (a) of K.S.A. 72-8306, and amendments thereto, and who resides 2 1/2 miles or more by the regular route of a school bus from the school attended;

- (C) fees for the provision or furnishing of transportation for pupils in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233 or 72-8307, and amendments thereto, shall be controlled by the provisions of the agreement.
- (2) All moneys received by a school district from fees collected under this subsection shall be deposited in the transportation fund of the district.

History: L. 1968, ch. 401, § 2; L. 1971, ch. 244, § 1; L. 1973, ch. 299, § 1; L. 1976, ch. 322, § 1; L. 1977, ch. 259, § 1; L. 1980, ch. 224, § 1; L. 1981, ch. 294, § 1; L. 1984, ch. 261, § 17; L. 1984, ch. 270, § 1; L. 1984, ch. 262, § 5; L. 1996, ch. 141, § 3; L. 1997, ch. 183, § 3; L. 2000, ch. 155, § 4; May 25.

72-8303. TRANSPORTATION ROUTES; REGULAR SCHOOL ROUTE.

- (a) The board of education of a school district may prescribe the regular school routes on which transportation of its pupils is to be provided, and shall schedule the school bus and motor vehicle routes so that each pupil entitled to transportation will be transported to and from school on every school day.
- (b) For the purposes of this section, the term regular school route means and includes any route arranged by the board of education for (1) transportation of its pupils to and from the residence of such pupils in another school district when such pupils are enrolled in the transporting school district in accordance with an order issued by a board of education under the provisions of K.S.A. 1998 Supp. 72-1046b, and amendments thereto; and (2) transportation of its pupils to and from any school attended in another school district in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto.

History: L. 1968, ch. 401, § 3; L. 1978, ch. 303, § 3; L. 1984, ch. 261, § 18; L. 1997, ch. 183, § 4; July 1.

72-8304. CONTRACTS FOR TRANSPORTATION OF CERTAIN STUDENTS; MILEAGE RATES.

In those cases where it is impracticable to reach a student's residence by the prescribed transportation route, and where such residence is more than one mile by road from the prescribed route; and in those cases where it is impracticable to schedule a school bus for the transportation of a student; the board of education may contract for the transportation of such student to the regularly prescribed school route or to the school building. Such contracts shall provide for the payment of mileage at a rate not to exceed the rate specified in K.S.A. 75-3203 and any amendments thereto for each mile actually traveled; shall be limited to two round trips per day on a route prescribed by the board of education; and shall be subject to any rules or regulations adopted by the board of education. In those cases, where more than one student is transported in the same vehicle, mileage shall be paid for only one student.

History: L. 1968, ch. 401, § 4; L. 1973, ch. 300, § 1; July 1.

72-8305. TRANSPORTATION FOR ACTIVITIES; RULES AND REGULATIONS FOR SCHOOL BUS OPERATION.

The board of education of any school district or the board of trustees of any community junior college, which school district or community junior college is: (a) Participating in or cooperating in any vocational education course or program; (b) engaged in field trips in connection with any course or training; or (c) engaged in any extracurricular school activity, may provide and furnish transportation for students and school personnel of the school district or community junior college. The school district or community junior college may pay mileage for those school buses contracted, leased or hired for such purposes, and may adopt rules and regulations governing the use and operation of such school buses. All students so transported shall be under school control and discipline and in every case shall be accompanied by a suitable adult person.

History: L. 1968, ch. 401, § 5; L. 1971, ch. 245, § 1; L. 1973, ch. 302, § 1; July 1.

72-8306. TRANSPORTATION OF NONPUBLIC SCHOOL PUPILS.

- (a) Whenever any school district shall provide or furnish transportation under authority of this act for pupils attending the public schools, pupils residing in such school district attending private or parochial schools of elementary or high school grades which are accredited by the state board of education, who shall reside on or along the highway or street constituting the regular route of a school bus, or who shall gather at some place on the regular route nearest or most easily accessible to their homes or such schools, where such transportation is provided for pupils attending the public schools, shall be entitled to the privilege of such school bus transportation upon such regular route as arranged for the benefit of pupils attending public schools. For the purposes of this section, regular route shall not include any route arranged by the school district for the transportation of exceptional children to special education services.
- (b) Whenever any school district shall provide or furnish transportation under authority of article 83 of chapter 72 of the Kansas Statutes Annotated for pupils attending the public schools, it may provide or furnish transportation for pupils residing in the district and attending private or parochial schools of elementary or high school grades which are accredited by the state board of education to such extent and upon such conditions as the school district shall deem appropriate. The authorization contained in this subsection (b) shall be in addition to the requirement provided in subsection (a) of this section.
- (c) Whenever any school district shall provide or furnish transportation under authority of this section for pupils attending private or parochial schools, such transportation shall be provided or furnished to such pupils under the same terms and conditions as are imposed upon pupils attending the public schools.

History: L. 1968, ch. 401, § 6; L. 1978, ch. 304, § 1; July 1.

72-8307. INTERSCHOOL DISTRICT CONTRACTS FOR TRANSPORTATION.

Every board of education may contract with any other board of education for transportation of students, if such contracts are consistent with K.S.A. 72-8302. Any board of education of a school district contracting to transport students of any other school district may transport such students and shall have all of the rights and powers granted under K.S.A. 72-8303, 72-8304, 72-8305 and 72-8306.

History: L. 1968, ch. 401, § 7; July 1.

72-8308. COMPLIANCE WITH UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS; ADDITIONAL REGULATION.

All school buses, as defined in subsection (g)(1) of K.S.A. 72-8301, and amendments thereto, shall conform to the requirements of, and be operated in accordance with, the uniform act regulating traffic on highways. All school buses as defined in subsection (g) of K.S.A. 72-8301, and amendments thereto, and all buses designated in subsection (c)(3) of K.S.A. 72-8301, and amendments thereto, shall also conform to the requirements of, and be operated in accordance with, rules and regulations adopted by state board of education. In addition, the board of education may adopt such rules and regulations as are necessary to carry out the intent and purpose of this act.

History: L. 1968, ch. 401, § 8; L. 1975, ch. 427, § 235; L. 1978, ch. 303, § 4; L. 1994, ch. 201, § 7; July 1.

72-8309. TRANSPORTATION OF NONRESIDENT PUPILS AND STUDENTS; WHEN AUTHORIZED; CONDITIONS; LIMITATIONS

- (a) The board of education of a school district shall not furnish or provide transportation for pupils or students who reside in another school district except in accordance with the written consent of the board of education of the school district in which such pupil or student resides, or in accordance with consent constituted by operation of an order issued by a board of education under the provisions of K.S.A. 1998 Supp. 72-1046b, and amendments thereto, or in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto.
- (b) A school district may transport a nonresident pupil or student if such pupil or student boards the school bus within the boundaries or on the boundary of the transporting school district. To the extent that the provisions of this subsection conflict with the provisions of subsection (a), the provisions of subsection (a) shall control.
- (c) No pupil or student who is furnished or provided transportation by a school district which is not the school district in which the pupil or student resides shall be counted in the computation of the school district's transportation weighting under article 64 of chapter 72 of Kansas Statutes Annotated.

History: L. 1968, ch. 401, § 9; L. 1980, ch. 225, § 1; L. 1984, ch. 261, § 19; L. 1984, ch. 262, § 6; L. 1997, ch. 183, § 5; July 1.

72-8313. USED SCHOOL BUSES; PURCHASER'S DUTY TO MODIFY; EXCEPTIONS.

- (a) Except as provided in subsections (b) and (c), any individual, firm, partnership, association or corporation who purchases a motor vehicle, which was operated by the seller thereof as a school bus, as defined in K.S.A. 8-1461, and any amendments thereto, is hereby required to repaint such vehicle a color other than yellow and, disassemble and remove the "stop arm" therefrom and disconnect all flashing or rotating warning lights on such vehicle before it is operated on the public highways of this state for any purpose other than those set forth in the definition of a school bus referred to in K.S.A. 8-1461, and amendments thereto.
- (b) The provisions of subsection (a) shall not apply to a bus being used as a church bus or day care program bus, as defined in K.S.A. 8-1730a, and amendments thereto.
- (c) Any not-for-profit organization, purchasing a used school bus under subsection (a), shall not be required to repaint such bus.

History: L. 1968, ch. 88, §1; L. 1975, ch. 33, § 11; L. 1978, ch. 40, § 2; L. 1980, ch. 43, § 4; L. 2001, Ch. 142 § 3 July 1.

72-8314. SAME; PENALTY FOR VIOLATIONS.

Any individual, firm, partnership, association or corporation who operates such motor vehicle in violation of the requirements of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not to exceed one hundred dollars (\$100), or confined in the county jail for not more than thirty (30) days, or be both so fined and imprisoned.

History: L. 1968, ch. 88, § 2; July 1.

**72-8316. SCHOOL BUS USE FOR PURPOSES OTHER THAN PUPIL
TRANSPORTATION; POLICY FOR PROVISION AUTHORIZED.**

- (a) Any board of education, pursuant to a policy developed and adopted by it, may provide for the use of district-owned or leased school buses when such buses are not being used for regularly required school purposes.

The policy may provide for:

- (1) (A) Transporting parents and other adults to or from school-related functions or activities, (B) transporting pupils to or from functions or activities sponsored by organizations, the membership of which is principally composed of children of school age, and (C) transporting persons engaged in field trips in connection with their participation in an adult education program maintained by the transporting school district or by any other school district, within or outside the boundaries of the transporting school district; and
- (2) contracting with (A) the governing body of any township, city or county for transportation of individuals, groups or organizations, (B) the governing authority of any nonpublic school for transportation of pupils attending such nonpublic school to or from interschool or intraschool functions or activities, (C) the board of trustees of any community college for transportation of students enrolled in such community college to or from attendance at class at the community college or to and from functions or activities of the community college, (D) a public recreation commission established and operated under the laws of this state, for any purposes related to the operation of the recreation commission and all programs and services thereof, (E) the board of education of any other school district for transportation, on a cooperative and shared-cost basis, of pupils, school personnel, parents and other adults to or from school-related functions or activities, or (F) a four-year college or university, area vocational school or area vocational-technical school for transportation of students to or from attendance at class at the four-year college or university, area vocational school or area vocational-technical school or for transportation of students, alumni and other members of the public to or from functions or activities of the four-year college or university, area vocational school or area vocational-technical school.
- (b) The costs related to the use of school buses under authority of this section shall not be considered in determining the transportation weighting of a school district under article 64 of chapter 72 of Kansas Statutes Annotated.
- (c) Transportation fees may be charged by the board to offset, totally or in part, the costs incurred for the use of school buses under authority of this section.

- (d) Any revenues received by a board of education as transportation fees or under any contract entered into pursuant to this section shall be deposited in the transportation fund of the district and may be expended whether the same have been budgeted or not.
- (e) The provisions of subsection (c) of K.S.A. 8-1556, and amendments thereto, apply to the use of school buses under authority of this section.

History: L. 1984, ch. 270, § 2; L. 1993, ch. 264, § 6; L. 1995, ch. 237, § 1; L. 1997, ch. 133, § 1; July 1.

72-8317. SCHOOL BUS TRANSPORTATION FOR ADULT STUDENTS; POLICY FOR PROVISION AUTHORIZED.

- (a) The board of education of any school district, pursuant to a policy developed and adopted by the board, may provide that whenever the school district furnishes school bus transportation for pupils of the school district to or from attendance at class in an area vocational school, area vocational-technical school, technical college, community college, or four-year college or university, adults who are students enrolled at any such educational institution may be furnished such school bus transportation to or from attendance at class, on a space available basis, along with the pupils of the school district. Whenever any school district shall furnish transportation for adult students pursuant to a policy adopted under authority of this section, such transportation shall be furnished subject to such terms and conditions as the board of education of the school district shall impose.
- (b) Fees for the furnishing of transportation for adult students pursuant to a policy adopted under authority of this section may be charged such adult students to offset, totally or in part, any costs incurred by a school district in the furnishing of such transportation, or such transportation may be furnished free of charge. Any revenues received by a board of education as fees charged adult students for transportation furnished under authority of this section shall be deposited in the transportation fund of the district and may be expended whether the same have been budgeted or not.

History: L. 1997, ch. 133, § 2; July 1.

72-8318. TRANSPORTATION OF PUPILS; USE OF SCHOOL BUS REQUIRED; WHEN.

- (a) Except as provided by subsection (b), any school district or nonpublic school transporting students in a vehicle designed for transporting more than 10 passengers in addition to the driver, shall transport such students in a school bus, as defined in subsection (g) of K.S.A. 72-8301, and amendments thereto, or in a bus other than a school bus designated in clauses (3) and (4) of subsection (c) of K.S.A. 72-8301, and amendments thereto.
- (b) Notwithstanding the provisions of subsection (a), any school district or nonpublic school which has purchased and has placed into operation prior to July 1, 2001, any motor vehicles designed for transporting more than 10 passengers, but less than 15 passengers, and is not a school bus, may continue to operate such motor vehicles for the purpose of transporting students until July 1, 2005.

History: L. 2001, ch. 142, § 1; July 1.

72-8233. INTERDISTRICT AGREEMENTS FOR PROVISION OF EDUCATIONAL PROGRAMS AUTHORIZED; CONDITIONS.

- (a) In accordance with the provisions of this section, the boards of education of any two or more unified school districts may make and enter into agreements providing for the attendance of pupils residing in one school district at school in kindergarten or any of the grades one through 12 maintained by any such other school district. The boards of education may also provide by agreement for the combination of enrollments for kindergarten or one or more grades, courses or units of instruction.
- (b) Prior to entering into any agreement under authority of this section, the board of education shall adopt a resolution declaring that it has made a determination that such an agreement should be made and that the making and entering into of such an agreement would be in the best interests of the educational system of the school district. Any such agreement is subject to the following conditions:
 - (1) The agreement may be for any term not exceeding a term of five years.
 - (2) The agreement shall be subject to change or termination by the legislature.

- (3) Within the limitations provided by law, the agreement may be changed or terminated by mutual agreement of the participating boards of education.
 - (4) The agreement shall make provision for transportation of pupils to and from the school attended on every school day, for payment or sharing of the costs and expenses of pupil attendance at school, and for the authority and responsibility of the participating boards of education.
- (c) Provision by agreements entered into under authority of this section for the attendance of pupils at school in a school district of nonresidence of such pupils shall be deemed to be compliance with the kindergarten, grade, course and units of instruction requirements of law.
 - (d) The board of education of any school district which enters into an agreement under authority of this section for the attendance of pupils at school in another school district may discontinue kindergarten or any or all of the grades, courses and units of instruction specified in the agreement for attendance of pupils enrolled in kindergarten or any such grades, courses and units of instruction at school in such other school district. Upon discontinuing kindergarten or any grade, course or unit of instruction under authority of this subsection, the board of education may close any school building or buildings operated or used for attendance by pupils enrolled in such discontinued kindergarten, grades, courses or units of instruction. The closing of any school building under authority of this subsection shall require a majority vote of the members of the board of education and shall require no other procedure or approval. The provisions of this subsection shall be deemed alternative to the provisions of K.S.A. 72-8213, and amendments thereto, and the procedure and authorization for the closing of school buildings under this subsection shall not be limited by the provisions of such cited statutory section.
 - (e) Pupils attending school in a school district of nonresidence of such pupils in accordance with an agreement made and entered into under authority of this section shall be counted as regularly enrolled in and attending school in the school district of residence of such pupils for the purpose of computations under the school district finance and quality performance act.
 - (f) Pupils who satisfactorily complete grade 12 while in attendance at school in a school district of nonresidence of such pupils in accordance with the provisions of an agreement entered into under authority of this section shall be certified as having graduated from the school district of residence of such pupils unless otherwise provided for by the agreement.

History: L. 1984, ch. 261, § 1; L. 1984, ch. 262, § 1; L. 1991, ch. 220, § 5; L. 1992, ch. 280, § 47; L. 1994, ch. 36, § 1; March 31.

72-8404. MOTOR VEHICLE LIABILITY INSURANCE AND MEDICAL PAYMENTS INSURANCE.

The board of education of every school district or its contract carrier may purchase motor vehicle liability insurance and medical payments insurance for the protection and benefit of the school district and the officers, agents and employees for the school district and the students, officers, agents and employees thereof who are transported in or operate school buses owned, operated, maintained or controlled by the school district and of persons while riding in or upon, entering or alighting from such vehicles.

History: L. 1968, ch. 401, § 10; L. 1969, ch. 357, § 1; L. 1979, ch. 186, § 26; L. 1980, ch. 87, § 2; L. 1990, ch. 262, § 1; July 1.

72-89a01. DEFINITIONS. AS USED IN THIS ACT:

- (a) "Board of education" means the board of education of a unified school district or the governing authority of an accredited nonpublic school.
- (b) "School" means a public school or an accredited nonpublic school.
- (c) "Public school" means a school operated by a unified school district organized under the laws of this state.
- (d) "Accredited nonpublic school" means a nonpublic school participating in the quality performance accreditation system.
- (e) "Chief administrative officer of a school" means, in the case of a public school, the superintendent of schools and, in the case of an accredited nonpublic school, the person designated as chief administrative officer by the governing authority of the school.
- (f) "Federal law" means the individuals with disabilities education act, section 504 of the rehabilitation act, the gun-free schools act of 1994, and regulations adopted pursuant to such acts.
- (g) "Secretary of education" means the secretary of the United States department of education.

- (h) "Weapon" means (1) any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any weapon described in the preceding example; (3) any firearm muffler or firearm silencer; (4) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than 1/4 ounce[,] (E) mine, or (F) similar device; (5) any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than 1/2 inch in diameter; (6) any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled; (7) any bludgeon, sandclub, metal knuckles or throwing star; (8) any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement. The term "weapon" does not include within its meaning (1) an antique firearm; (2) any device which is neither designed nor redesigned for use as a weapon; (3) any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; (4) surplus ordinance sold, loaned, or given by the secretary of the army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; (5) class C common fireworks.

History: L. 1995, ch. 27, § 1; L. 1996, ch. 141, § 1; L. 1999, ch. 124, § 3; July 1.

72-89a02. POLICIES REQUIRING EXPULSION OF PUPILS FOR POSSESSION OF WEAPONS, ADOPTION, FILING; HEARINGS; MODIFICATION OF REQUIREMENT AUTHORIZED; REFERRAL PROCEDURE; ANNUAL REPORT; CIRCUMSTANCES WHEN POLICY NOT APPLICABLE.

- (a) Notwithstanding the provisions of subsection (a) of K.S.A. 72-8902, and amendments thereto, and subject to the other provisions of this section, each board of education in this state shall adopt a written policy requiring the expulsion from school for a period of not less than one year any pupil determined to be in possession of a weapon at school, on school property, or at a school supervised activity. The policy shall be filed with the state board of education in such manner as the state board shall require and at a time to be determined and specified by the state board.
- (b) To the extent that the provisions contained in article 89 of chapter 72 of Kansas Statutes annotated do not conflict with the requirements of this act, such provisions shall apply to and be incorporated in the policy required to be adopted under subsection (a).

- (c) If a pupil required to be expelled pursuant to a policy adopted under subsection (a) is confined in the custody of the secretary of social and rehabilitation services, the commissioner of juvenile justice or the secretary of corrections as a result of the violation upon which the expulsion is to be based, the hearing required under the provisions of article 89 of chapter 72 of Kansas Statutes Annotated shall be delayed until the pupil is released from custody.
- (d) A hearing afforded a pupil required to be expelled pursuant to a policy adopted under subsection (a) shall be conducted by the chief administrative officer or other certificated employee of the school in which the pupil is enrolled, by any committee of certificated employees of the school in which the pupil is enrolled, or by a hearing officer appointed by the board of education of the school in which the pupil is enrolled.
- (e) The chief administrative officer of the school in which a pupil required to be expelled pursuant to a policy adopted under subsection (a) is enrolled may modify the expulsion requirement in a manner which is consistent with the requirements of federal law. Nothing in this subsection shall be applied or construed in any manner so as to require the chief administrative officer of a school to modify the expulsion requirement of a policy adopted by a board of education pursuant to the provisions of subsection (a).
- (f) The policy adopted by a board of education under subsection (a) shall contain a procedure for the referral of any pupil determined to be in possession of a weapon at school, on school property, or at a school supervised activity to the appropriate state and local law enforcement agencies and, if the pupil is a juvenile, to the secretary of social and rehabilitation services or the commissioner of juvenile justice.
- (g) Each board of education shall prepare an annual report on a form prescribed and furnished by the state board of education that contains a description of the circumstances surrounding any expulsions imposed on pupils pursuant to a policy adopted under subsection (a), including the name of the school or schools concerned, the number of pupils expelled, and the type of weapons concerned. The report shall be submitted to the state board of education in such manner as the state board shall require and at a time to be determined and specified by the state board.
- (h) The provisions of this section do not apply to the possession by pupils of weapons at school, on school property, or at a school supervised activity if the possession of weapons by pupils is connected with a weapons safety course of instruction or a weapons education course approved and authorized by the school or if the possession of weapons by pupils is specifically authorized in writing by the chief administrative officer of the school.

History: L. 1995, ch. 27, § 2; L. 1996, ch. 141, § 2; L. 1997, ch. 156, § 85; July 1.

74-2012. DIVISION OF VEHICLES, RECORDS; DISCLOSURE; FEES.

- (a) All records of the division of vehicles shall be subject to the provisions of the open records act, except as otherwise provided under the provisions of this section and by K.S.A. 1999 Supp. 74-2022, and amendments thereto.
- (b) All records of the division of vehicles relating to the physical or mental condition of any person, to expungement or except as provided further, any photographs maintained by the division of vehicles in connection with the issuance of drivers' licenses shall be confidential. Photographs or digital images maintained by the division of vehicles in connection with the issuance of drivers' licenses shall be available to law enforcement agencies for use in criminal investigations. Records of the division relating to diversion agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908, and amendments thereto, shall be confidential and shall be disclosed by direct computer access only to:
 - (1) A city, county or district attorney, for the purpose of determining a person's eligibility for diversion;
 - (2) a municipal or district court, for the purpose of using the record in connection with any matter before the court;
 - (3) a law enforcement agency, for the purpose of supplying the record to a person authorized to obtain it under paragraph (1) or (2) of this subsection; or
 - (4) an employer when a person is required to retain a commercial driver's license due to the nature of such person's employment.
- (c) Lists of persons' names and addresses contained in or derived from records of the division of vehicles shall not be sold, given or received for the purposes prohibited by K.S.A. 21-3914, and amendments thereto, except that:
 - (1) The director of vehicles may provide to a requesting party, and a requesting party may receive, such a list and accompanying information from public records of the division upon written certification that the requesting party shall use the list solely for the purpose of:
 - (A) Assisting manufacturers of motor vehicles in compiling statistical reports or in notifying owners of vehicles believed to:
 - (i) Have safety-related defects,
 - (ii) fail to comply with emission standards; or
 - (iii) have any defect to be remedied at the expense of the manufacturer;

- (B) assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy;
 - (C) assisting the selective service system in the maintenance of a list of persons 18 to 26 years of age in this state as required under the provisions of section 3 of the federal military selective service act; or
 - (D) assisting businesses with the verification or reporting of information derived from the title and registration records of the division to prepare and assemble vehicle history reports, except that such vehicle history reports shall not include the names or addresses of any current or previous owners.
- (2) Any law enforcement agency of this state which has access to public records of the division may furnish to a requesting party, and a requesting party may receive, such a list and accompanying information from such records upon written certification that the requesting party shall use the list solely for the purpose of assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy.
- (c) If a law enforcement agency of this state furnishes information to a requesting party pursuant to paragraph (2) of subsection (c), the law enforcement agency shall charge the fee prescribed by the secretary of revenue pursuant to K.S.A. 1999 Supp. 74-2022, and amendments thereto, for any copies furnished and may charge an additional fee to be retained by the law enforcement agency to cover its cost of providing such copies. The fee prescribed pursuant to K.S.A. 1999 Supp. 74-2022, and amendments thereto, shall be paid monthly to the secretary of revenue and upon receipt thereof shall be deposited in the state treasury to the credit of the electronic databases fee fund, except for the \$1 of the fee for each record required to be credited to the highway patrol training center fund under subsection (f).
 - (e) The secretary of revenue, the secretary's agents or employees, the director of vehicles or the director's agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission of a law enforcement agency in furnishing any information obtained from records of the division of vehicles.

- (f) A fee in an amount fixed by the secretary of revenue pursuant to K.S.A. 1999 Supp. 74-2022, and amendments thereto, of not less than \$2 for each request for information in the public records of the division concerning any vehicle or licensed driver shall be charged by the division, except that the director may charge a lesser fee pursuant to a contract between the secretary of revenue and any person to whom the director is authorized to furnish information under paragraph (1) of subsection (c), and such fee shall not be less than the cost of production or reproduction of any information requested. Except for the fees charged pursuant to a contract for title and registration records on vehicles authorized by this subsection, \$1 shall be credited to the highway patrol training center fund for each record.
- (g) The secretary of revenue may adopt such rules and regulations as are necessary to implement the provisions of this section.

History: L. 1929, ch. 81, § 4; L. 1945, ch. 88, § 2; L. 1957, ch. 425, § 1; L. 1961, ch. 381, § 1; L. 1972, ch. 286, § 1; L. 1975, ch. 400, § 1; L. 1978, ch. 347, § 16; L. 1981, ch. 301, § 1; L. 1984, ch. 282, § 1; L. 1985, ch. 79, § 6; L. 1989, ch. 38, § 48; L. 1991, ch. 36, § 22; L. 1992, ch. 2, § 1; L. 1994, ch. 25, § 1; L. 1994, ch. 299, § 4; L. 1995, ch. 62, § 1; L. 1996, ch. 260, § 11; L. 1999, ch. 125, § 20; May 6.

**75-3203 STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES
ARTICLE 32. - COMPENSATION AND ALLOWANCES**

Mileage and other allowances for official travel by privately owned conveyance; rates, how fixed; additional costs allowed; privately owned conveyance defined; exceptions authorized.

- (a) Except as otherwise provided in this section, wherever in the statutes of the state of Kansas any mileage is allowed to any public official of the state or any political subdivision thereof, or to witnesses, jurors or other persons, the rate thereof shall be in the applicable amount fixed and established by the secretary of administration under K.S.A. 75-3203a, and amendments thereto, for each mile actually and necessarily traveled, by way of the most direct route by privately owned conveyance for official purposes.
- (b) No mileage in excess of that amount for each mile actually and necessarily traveled, regardless of the number of passengers, shall be paid or taxed as costs in any case.

- (c) The governing body of any county, city or school district may prescribe a rate different from that provided for in this section as to officers and employees of such county, city or school district. If a different rate is not prescribed by the governing body of a county, city or school district, the rate established by the secretary of administration shall be the rate applicable to officers and employees of such county, city or school district. Only one mileage allowance at the rate fixed by the secretary per mile or the rate prescribed by the governing body of a county, city or school district for officers and employees of such county, city or school district is authorized for the use of a privately owned conveyance in official travel and no claim shall be presented for mileage traveled as a passenger in a privately owned conveyance in which the mileage allowance is claimed by the owner or operator.
- (d) Privately owned conveyances shall include, but not be limited to automobiles, motorcycles and aircraft. Privately owned conveyances shall not include any conveyances offered publicly for temporary and occasional hire on a trip basis by a traveler including those normally intended to be operated by the traveler if their use has been authorized under appropriate statutes or rules and regulations governing official travel.
- (e) The rate prescribed under this act shall be construed to cover all costs related to the use of privately owned conveyances including but not limited to gas, oil, tires, repairs, insurance, license fees and depreciation costs. Parking charges, turnpike tolls and bridge tolls may be allowed in addition to the mileage allowance provided herein.
- (f) This act shall not be construed to repeal any provision of any existing statute as to the method of computing mileage, but shall relate solely to the amount to be charged as mileage.
- (g) The secretary of administration may adopt rules and regulations as provided in K.S.A. 75-3706, and amendments thereto, relating to official travel by privately owned conveyance.
- (h) Notwithstanding anything in this section, exceptions to the same may be made in any other statute or in any appropriation act, and all such exceptions heretofore made shall be valid.

History (L. 1933, ch. 302, § 1; L. 1949, ch. 445, § 2; L. 1965, ch. 467, § 1; L. 1971, ch. 275, § 1; L. 1972, ch. 321, § 1; L. 1974, ch. 384, § 1; L. 1974, ch. 385, § 1; L. 1976, ch. 383, § 1; L. 1978, ch. 353, § 1; L. 1985, ch. 279, § 1; L. 2001, ch. 109, § 2; July 1.)

79-3401. CITATION OF ACT; DEFINITIONS.

This act, and amendments thereto, shall be known and may be cited as the "motor-fuel tax law," and as so constituted is hereinafter referred to as "this act." The following words, terms and phrases, when used in this act, shall have the meanings ascribed to them in this section, except in those instances clearly indicating a different meaning:

- (a) "Aviation fuel" means motor fuels for use as fuel for aircraft;
- (b) "agricultural ethyl alcohol" means a motor-vehicle fuel component with a purity of at least
- (c) 99%, exclusive of any added denaturants, denatured in conformity with one of the methods approved by the United States department of the treasury, bureau of alcohol, tobacco and firearms, and distilled in the United States of America from grain produced in the United States of America;
- (d) "bulk plant" means a motor fuels storage facility, other than a terminal, that is primarily used to redistribute motor fuels;
- (e) "dealer" means any person engaged in the retail sale of motor-vehicle fuels or special fuels;
- (f) "director" means the director of taxation, a duly authorized deputy, agent or representative;
- (g) "distributor" means any person, who:
 - (1) Imports or causes to be imported from any other state or territory of the United States motor-vehicle fuels or special fuels for such person's own use in the state of Kansas, or for sale and delivery therein, after the same shall have come to rest or storage therein, whether or not in the original package, receptacle or container; or
 - (2) imports or causes to be imported, from a foreign country, motor-vehicle fuels or special fuels for such person's own use in the state of Kansas, or for sale and delivery therein, after the same shall have come to rest or storage, whether or not in the original package, receptacle or container;
 - (3) purchases or receives motor-vehicle fuels or special fuels in the original package, receptacle or container in the state of Kansas for such person's own use therein, or for sale and delivery therein, from any person who has imported the same from any other state or territory of the United States, or any other nation, in case such motor-vehicle fuels or special fuels have not, prior to such purchase or receipt, come to rest or storage in the state of Kansas; or
 - (4) received and, in any manner, uses, sells or delivers motor-vehicle fuels or special fuels in the state of Kansas on which the tax provided for in this act has not been previously paid;

- (g) "exporter" means any person who exports or causes to be exported motor vehicle fuels or special fuels from Kansas to any other state or territory of the United States or to a foreign country, for such person's own use or for sale or delivery therein, whether or not in the original package, receptacle or container;
- (h) "importer" means any person who imports or causes to be imported motor-vehicle fuels or special fuels from any other state or territory of the United States or from a foreign country, for such person's own use in the state of Kansas or for sale or delivery therein, whether or not in the original package, receptacle or container;
- (i) "liquid fuels" or "motor fuels" means any inflammable liquid by whatever name such liquid shall be known or sold, which is used, or practically or commercially usable, either alone or when mixed or combined in an internal-combustion engine for the generation of power;
- (j) "manufacturer" or "refiner" means any person who or which produces, refines, prepares, blends, distills, manufactures or compounds motor-vehicle fuels or special fuels in the state of Kansas for such person's own use therein, or for sale or delivery therein. The term "manufacturer" shall not include any person who or which mechanically separates liquids from natural gas at production facilities or gathering system pipelines on the lease. No person who produces, refines, prepares, blends, distills, manufactures, or compounds motor-vehicle fuels or special fuels shall be required to render a distributor's (manufacturer's) report as to any particular lot or lots of motor-vehicle fuels or special fuels until such motor-vehicle fuels or special fuels have been loaded at a refinery or other place of production into tank cars, or placed in any tank at such refinery or other place of production from which any withdrawals are made direct into tanks, tank wagons or other types of transportation equipment, containers or facilities;
- (k) "motor vehicle" means a motor vehicle as defined by K.S.A. 8-126, and amendments thereto, and which is required to be registered pursuant to K.S.A. 8-126 *et seq.*, and amendments thereto;
- (l) "motor-vehicle fuels" means gasoline, casinghead gasoline, natural gasoline, drip gasoline, aviation gasoline, gasohol, gasoline-oxygenate blend and any other spark-ignition motor fuel as defined by the 1995 United States department of commerce, national institute of standards and technology handbook 130 issued December of 1994, and as may subsequently be defined in rules and regulations which the director may adopt pursuant to K.S.A. 79-3419, and amendments thereto;
- (m) "oil inspector" means the director of taxation, a duly authorized deputy, agent or representative;

- (n) "person" means every natural person, association, partnership, limited partnership, limited liability company or corporation. When used in any statute, prescribing and imposing a fine or imprisonment, or both, the term "person" as applied to firms and associations means the partners or members thereof and, as applied to corporations, the corporation and the officers thereof;
- (o) "public highways" means and includes every way or place, of whatever nature, generally open to the use of the public as a matter of right, for the purposes of vehicular travel and notwithstanding that the same shall have been temporarily closed for the purpose of construction, reconstruction or repair;
- (p) "received" means motor-vehicle fuel or special fuel produced, refined, prepared, distilled, manufactured, blended or compounded at any refinery or other place, in the state of Kansas by any person, or imported into this state from any other state, territory, or foreign country by pipeline or connecting pipeline at a pipeline terminal or pipeline tank farm for storage, shall be deemed to be "received" by such person thereat when the same shall have been loaded at such refinery, pipeline terminal, pipeline tank farm or other place, into tank cars, tank trucks or other container, or placed in any tank from which any withdrawals are made direct into tank cars, tank trucks or other types of transportation equipment, containers or facilities;
- (q) "retailer" means a person that engages in the business of selling or distributing motor fuels to the end user;
- (r) "school bus" means every bus, as defined by K.S.A. 8-1406, and amendments thereto, which is: (1) Privately owned and contracted for, leased or hired by a school district or nonpublic school for the transportation of pupils, students or school personnel to or from school or to or from school-related functions or activities; or (2) owned and operated by a school district or nonpublic school which is registered under the provisions of K.S.A. 8-126 *et seq.*, and amendments thereto, used for the transportation of pupils, students or school personnel to or from school or to or from school-related functions or activities;
- (s) "special fuels" means all combustible liquids suitable for the generation of power for the propulsion of motor vehicles including, but not limited to, diesel fuel, alcohol and such fuels not defined under the motor-vehicle fuels definition, hereinafter referred to as motor-vehicle fuel;
- (t) "terminal" means a fuel storage and distribution facility that is supplied by motor vehicle, pipeline or marine vessel, and from which motor fuels may be removed at a rack. "Terminal" does not include any facility at which motor fuel blend stocks and additives are used in the manufacture of products other than motor fuels and from which no motor fuels are removed;
- (u) "terminal operator" means the person who by ownership or contractual agreement is charged with the responsibility for, or physical control over, and operation of a terminal;

- (v) "transporter" means a person who has been issued a liquid-fuels carrier's license pursuant to K.S.A. 55-506 *et seq.*, and amendments thereto.

History: L. 1933, ch. 317, § 1; L. 1939, ch. 330, § 1; L. 1941, ch. 378, § 1; L. 1943, ch. 306, § 1; L. 1971, ch. 316, § 1; L. 1978, ch. 412, § 1; L. 1982, ch. 413, § 1; L. 1984, ch. 359, § 1; L. 1992, ch. 106, § 5; L. 1995, ch. 262, § 24; July 1.

79-3453 REFUND OF TAX PAID ON MOTOR-VEHICLE FUELS OR SPECIAL FUELS NOT USED ON HIGHWAYS, WHEN.

Any person who uses any motor-vehicle fuels or special fuels on which the motor-fuel or special fuel tax has been paid for use in school buses or for any purpose other than operating motor vehicles on the public highways, such person shall be entitled to be refunded the tax paid upon complying with the requirements of this act. Such person shall not be entitled to a refund of such tax unless the amount of the refund exceeds \$25. The words "licensed distributor," as used in this act, shall also include a licensed importer.

History: L. 1949, ch. 486, § 1; L. 1984, ch. 360, § 2; L. 1992, ch. 106, § 23; L. 1993, ch. 182, § 2; L. 1995, ch. 262, § 41; July 1.

79-3454 REFUND PERMIT; APPLICATION; CONTENTS; FEE; DUTIES OF DIRECTOR.

Every person who desires to be eligible to receive motor-vehicle-fuels or special fuels tax refund, before making any claim for a refund, shall make written application, upon a form furnished by the director, for a permit to obtain such refunds. Such application shall be filed with the director and shall be signed by the applicant or an agent of the applicant, if such agent is authorized to do so in writing by the applicant and in such event the written authorization of the applicant shall be filed with and attached to the application. The application shall contain the name of the applicant and show whether applicant is an individual, corporation, partnership or association, applicant's address and occupation, the uses to which the applicant intends to put such motor-vehicle fuel or special fuel upon which a refund will be claimed, the make and model and other mechanical description of machinery in which motor fuels upon which a refund will be claimed are to be used, and, if the applicant is engaged in farming, the location of the farm and the number of acres under cultivation or to be cultivated, and if such motor-vehicle fuels or special fuels are to be used in a manufacturing or industrial process, the application shall state the nature and kind of process. Such application shall also include the storage capacity for motor-vehicle fuels or special fuels subject to claim for tax refunds, storage capacity for motor-vehicle fuels or special fuels used on public highways, and a list of the cars and trucks, including make and model, owned and operated by the applicant in which is used motor-vehicle fuel or special fuel on which refunds may not be claimed when used on the highway.

The application shall be accompanied by a fee of \$6. The director shall remit all such fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. Upon investigation by the director, if the statements contained in the application shall be found to be true, and if the director shall be satisfied that the application is made in good faith, the director shall issue to the applicant a refund permit specifying the terms and conditions under which refunds shall be made. The permit so issued shall contain a number to be given to each applicant and shall be in such form as may be prescribed by the director. Such permit shall not be transferable and shall be issued for a period of three years and shall be good for purchases and deliveries made either prior to or during the period for which issued.

History: L. 1949, ch. 486, § 2; L. 1953, ch. 445, § 3; L. 1957, ch. 429, § 28; L. 1959, ch. 398, § 1; L. 1975, ch. 505, § 1; L. 1991, ch. 285, § 1; L. 1992, ch. 106, § 24; L. 1993, ch. 182, § 3; L. 2001, ch. 5, § 455; July 1.

79-3455. CANCELLATION OF REFUND PERMIT, WHEN.

If any claimant for refund makes any false statement on any application for a permit or upon any claim for a refund, or if any recipient of a permit to obtain motor-vehicle tax refunds, uses refund tax motor-vehicle fuels or special fuels in any motor vehicle, except for a school bus, upon the public highways of the state of Kansas, the director shall forthwith cancel the permit of such person.

History: L. 1949, ch. 486, § 3; L. 1992, ch. 106, § 25; L. 1995, ch. 262, § 42; July 1.

79-3456. INVOICE BY LICENSED DISTRIBUTORS OR RETAILERS; CONTENTS; COPIES.

- (a) At the time of making each delivery of motor-vehicle fuel or special fuel upon which a refund of the tax may be claimed, the licensed distributor or licensed retailer delivering the same shall make out an invoice which shall contain a serial number which shall not be repeated through any one calendar year, and which shall state the following:
- (1) The name of the distributor or retailer (printed or rubber stamped) selling the refund motor fuel;
 - (2) the name of the purchaser;
 - (3) the number of gallons of motor-vehicle fuel containing less than 10% agricultural ethyl alcohol thus purchased and delivered;
 - (4) the number of gallons of motor-vehicle fuels containing 10% or more of agricultural ethyl alcohol thus purchased and delivered;

- (5) the date and place of delivery;
 - (6) the number of gallons of special fuel purchased and delivered; and
 - (7) the price paid for such motor-vehicle fuel or special fuel.
- (b) The invoice prepared by a distributor or retailer shall be made out in triplicate unless the invoice is generated by automated procedures approved by the director. One copy of each invoice made out in triplicate shall be delivered to the purchaser at the time of purchase. Upon receiving payment in full for such motor-vehicle fuel or special fuel the distributor or retailer shall receipt for payment on the original invoices. A duplicate shall be retained by the distributor or retailer for a period of three years and shall be subject to examination by the director. Carbon or contact-type paper shall be used in making the first and second duplicate invoices unless the invoice is generated by automated procedures approved by the director.
- (c) Invoices generated by automated procedures approved by the director shall be made out in duplicate. The original of each such invoice shall be delivered to the purchaser and upon receiving payment for such motor-vehicle fuel or special fuel the distributor or retailer shall receipt for payment on another original invoice. Duplicates of all such invoices shall be retained by the distributor or retailer for a period of three years.
- (d) If the invoice of any distributor or retailer is not printed in triplicate or does not meet the requirements of this section then such distributor or retailer shall use the uniform invoice prepared and furnished free of cost by the director as provided in this act.

History: L. 1949, ch. 486, § 4; L. 1959, ch. 398, § 2; L. 1979, ch. 324, § 4; L. 1984, ch. 360, § 3; L. 1992, ch. 106, § 26; L. 1993, ch. 182, § 4; L. 1995, ch. 262, § 43; July 1.

79-3464a. DYED SPECIAL FUELS; UNLAWFUL USE; EXCEPTIONS; PENALTIES.

- (a) It shall be unlawful to operate or cause to be operated in this state a motor vehicle with special fuel that contains any quantity of dye or marker as prescribed pursuant to 26 U.S.C. 4082 in the fuel supply tank of the motor vehicle. This subsection does not apply to persons operating or causing to be operated motor vehicles that have received fuel into the fuel supply tanks outside of this state in a jurisdiction that does not prohibit dyed special fuel of that color and type in the fuel supply tank of motor vehicles.
- (b) In addition to penalties prescribed under K.S.A. 79-3464e, the director shall collect or cause to be collected from the owners or operators of motor vehicles the tax as provided in K.S.A. 79-3408, and amendments thereto, for each gallon of dyed special fuel delivered into the fuel supply tank of a motor vehicle while in this state. In addition, the seller of the special fuel is jointly and severally liable for the tax if the seller knows or has reason to know that the fuel will be used for a taxable purpose.

- (c) In addition to those persons and agencies responsible for the enforcement of the criminal laws of this state, the director, any deputy or agent appointed in writing by the director, may conduct inspections to determine compliance with this section. The director, any deputy or agent shall have the same power and authority as provided in K.S.A. 79-3420, and amendments thereto.
- (d) The director shall approve all equipment and facilities used to test dyes, markers and the chemical composition of fuel inspected under this section.
- (e) The secretary shall adopt rules and regulations for the enforcement of this section.

History: L. 1995, ch. 262, § 7; July 1.

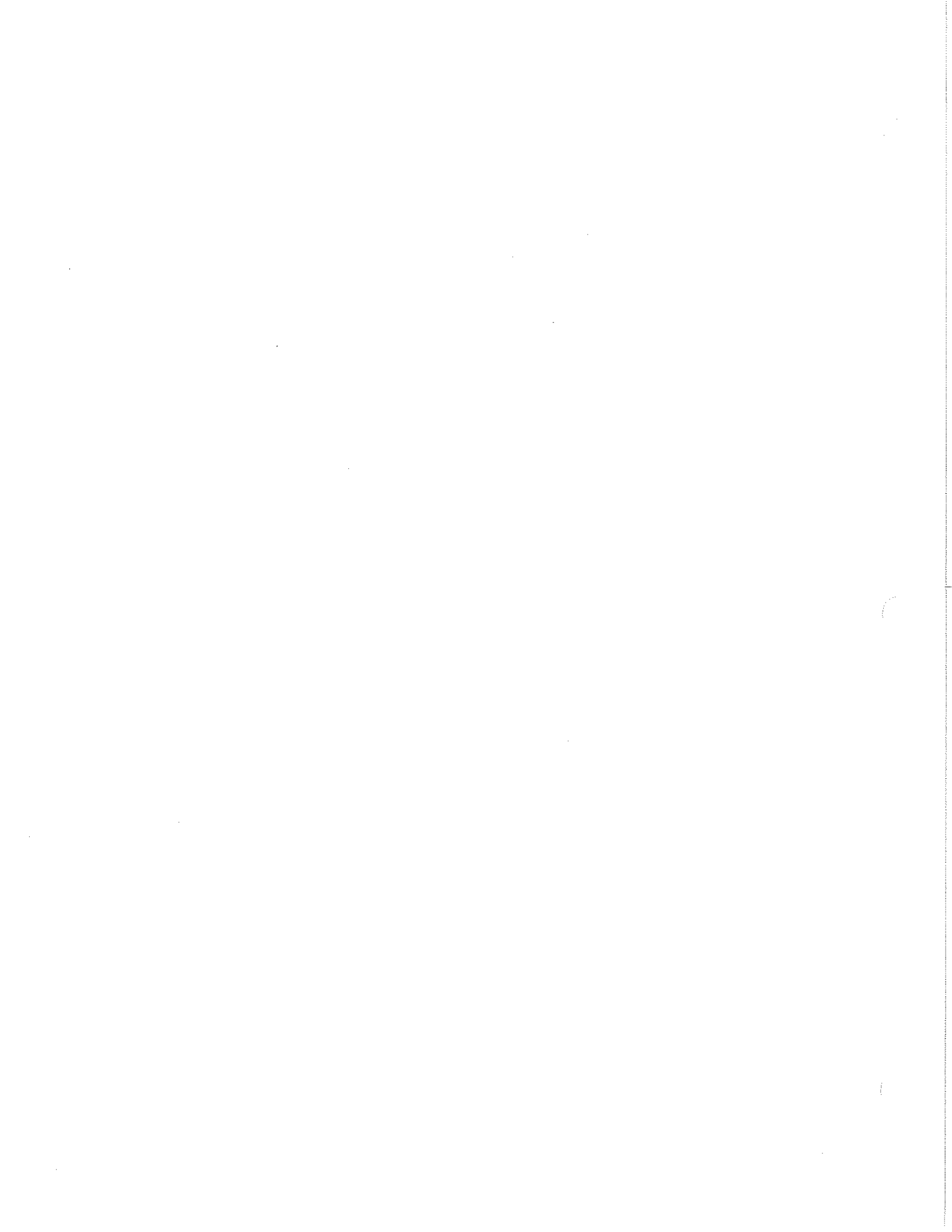
79-3464e. UNLAWFUL ACTS; PENALTIES.

- (a) It shall be unlawful for any distributor, importer, exporter, manufacturer, retailer, user, carrier, transporter or any other person to:
 - (1) Use, sell, manufacture or deliver any motor-vehicle fuels or special fuels at any place without having a valid, unsuspended and unrevoked license as required by this act;
 - (2) fail, neglect or refuse to render to the director at the director's office, within the time required by the provisions of this act, any report or statement required by or purporting to be under the provisions of this act, or purporting to be under the rules and regulations promulgated by the director under such provisions;
 - (3) fail, neglect or refuse to pay the director, within the time required by this act, any tax, taxes, interest or penalties for which such person is liable under the provisions of this act;
 - (4) fail, neglect or refuse to keep and maintain for a period of three years, or fail to make fully and freely accessible during business hours to the director, the director's deputy or agent, all books, papers and records required by this act to be kept and maintained and so made accessible;
 - (5) use any motor fuels purchased as exempt in a taxable manner;
 - (6) sell, receive or transport motor fuels without proper and correct manifests;

- (7) sell or hold for sale dyed fuel that such person knows or has reason to know will not be used for a nontaxable purpose;
 - (8) violate any other provision of this act not specified in this section;
 - (9) aid and abet in violations contained in paragraphs (1) through (8);
 - (10) falsify, forge or willfully conceal from the director or director's agent, any books, papers and records required by this act;
 - (11) knowingly submit a false or forged application for licensure under this act;
 - (12) knowingly make any false or forged application for a refund permit or claim for refund or to knowingly make any false statement in any application for a refund permit, or in any claim for a refund;
 - (13) present, or cause to be presented, to the director for credit, or for refund, any false, forged or altered invoice of refund;
 - (14) falsify, forge or alter any documents associated with the use, sale, manufacture or delivery of any motor fuels;
 - (15) deliver or accept delivery, with the intent to evade the obligation of collecting, remitting or accounting for motor fuel tax to this state, any motor fuel, knowing that the manifest or bill of lading indicates that the motor fuel was intended to be delivered to a tax exempt entity or intended to be delivered to a location outside the state of Kansas;
 - (16) use dyed fuel other than for a nontaxable use;
 - (17) willfully alters or attempts to alter, the strength or composition of any dye in any dyed fuel; or
 - (18) aid and abet in violations contained in paragraphs (10) through (17).
- (b) Violation of paragraphs (1) through (9) is a misdemeanor. Any person convicted of such violation shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or imprisoned in the county jail for not less than 30 days nor more than one year, or by both such fine and imprisonment. Upon a second or subsequent conviction, such person shall be punished by a fine of not less than \$5,000 nor more than \$50,000, or by imprisonment in the county jail for not less than 60 days nor more than two years, or by both such fine and imprisonment.

- (c) Violation of paragraphs (10) through (18) is a severity level 10, nonperson felony.
- (d) For any violations of this section, the director may suspend or revoke any license issued to any person found to be in violation and assess an administrative penalty of \$10 per gallon of motor fuels involved, or a penalty of not less than \$1,000 nor more than \$10,000; and upon a second or subsequent violation, a penalty of \$25 per gallon of motor fuels involved or a penalty of not less than \$5,000 nor more than \$50,000.

History: L. 1995, ch. 262, § 11; July 1.



**KANSAS GUIDELINES FOR
SCHOOL TRANSPORTATION**

These guidelines have been written to enhance and facilitate use of the Kansas School Transportation Regulations, Standards, and Statutes. Information for these guidelines was taken from the 1995 National Standards for School Transportation and questions that have been received over the years from school transportation providers across Kansas. Local school boards, administrators, and transportation personnel should consider information from these guidelines when adopting board policies for school transportation operations.

NATIONAL STANDARDS FOR SCHOOL TRANSPORTATION

The *National Standards for School Buses and Operations* is a document that is nationally and internationally known as a guideline appropriate for school bus construction and operations. It is reviewed and revised every five years.

Effective July 1, 2000, K.A.R. 91-38-4 requires the seller or lessor of a school bus to certify to the buyer that school buses purchased meet these standards, as well as all federal motor vehicle safety standards (FMVSS) in effect on the date of manufacture for the bus.

Even though it is the seller's responsibility to document compliance with these standards, each superintendent, school transportation director, and contract manager is encouraged to purchase a copy of the National Standards to ensure compliance. Copies may be obtained from:

*Missouri Safety Center
Central Missouri State University
Humphreys Suite 201
Warrensburg, MO 64093
PHONE: 660-543-4830
FAX: 660-543-4482*

ADDITIONAL GUIDELINES TO CONSIDER WHEN PURCHASING SCHOOL BUSES

- I. School buses operated in Kansas should not be allowed to have retreaded tires installed on the front wheels.
- II. Identification.
 - A. All lettering on school bus exteriors should be black.
 - B. Identification numbers should be at least four inches high, with a minimum one-half inch stroke.
- III. Any door locks installed on a school bus should be approved by the manufacturer or installed by the manufacturer and designed so that the bus may not be operated if the locking mechanism is engaged.
- IV. "Jump seats" should not be allowed on school buses.
- V. Each school bus should be equipped with a seat belt cutter in the driver's compartment area.

INSPECTION PROCESS

K.A.R. 98-31-5 requires the Kansas Highway Patrol to provide an annual inspection for all school vehicles operated within the state. Schools or contract transportation providers may, in addition to this annual inspection, have a more complete safety inspection performed by a mechanic certified to inspect compliance with Federal Motor Carrier Safety regulations, 40 CFR, Appendix G to Subchapter B, A Minimum Periodic Inspection Standards.

SEATING CAPACITY GUIDELINES FOR SCHOOL BUSES

Each school bus is labeled by the manufacturer with the **maximum** recommended seating capacity.

The protection afforded by "compartmentalization" in school buses depends largely on each passenger sitting completely within that established seat area. Policies should be developed by school transportation providers to adjust the maximum allowable seating capacity on a school bus in accordance with the size and equipment utilized by the passengers being transported.

DRIVER TRAINER QUALIFICATIONS

K.A.R. 91-38-1 defines a driver trainer as "... any person who is assigned by a transportation supervisor to provide instruction and training to other school transportation providers."

In addition to maintaining current licensure requirements, driver trainers should be carefully screened. Those chosen should be encouraged to attend additional training programs to assist them in becoming more effective trainers.

Several programs are offered annually by the Kansas State Department of Education and the Kansas State Pupil Transportation Association to assist with development of driver trainers for school transportation systems in Kansas.

DRIVER TRAINING REQUIREMENTS

K.A.R. 91-38-6 requires first-time Kansas school bus drivers to "... be provided a minimum of 12 hours of bus driver training" before being considered qualified. This "bus driver training" should be time actually with the bus. When a driver is expected to drive more than one size and type of vehicle, additional training should be included to address the specific handling characteristics for each type of vehicle to be driven. A policy should be developed to guide driver-trainers in the expected proficiency level of drivers for each bus.

Topics that should be covered in any training program with the bus, should include, but not be limited to:

1. Familiarization with bus and its equipment such as the interior control panel, alternately flashing warning lights, stop arm, parking brake and its release, etc.
2. Procedures used locally for pre-trip and post-trip inspections of the school bus or other vehicle. Post-trip inspection procedures should include a thorough check of the vehicle to see that all passengers have departed and that passengers have not left books, bags, etc.
3. Familiarization with the vehicle and reference points for its control, preferably in an off-road, controlled situation with traffic cones set up for maneuvering skills practice. These could include such things as:

- A. Driving maneuvers, to include, but not limited to:
 - 1. Slow, precision familiarization of reference-point driving.
 - 2. Emergency driving maneuver techniques (i.e., blocked lane, emergency braking techniques, etc.)
 - 3. Visual scan and other defensive driving techniques.
 - 4. Mirror adjustment and usage.
 - 5. Loading and unloading procedures, including only moving the bus after all passengers are safely out of the "danger zone" and at least ten feet from the bus.
 - 6. Railroad crossing procedures. The national standards document provides guidance for suggested procedures, in addition to requirements in K.S.A. 8-1553 and K.A.R. 36-26-1.

- B. Emergency procedures:
 - 1. When/how to evacuate the bus.
 - 2. Procedures used to notify school officials
 - 3. Procedures used to notify other authorities.
 - 4. Procedures to care for any injured passengers.

- 4. Actual practice on traveled roadways. This should include some practice without students on board the bus to familiarize the driver with driving a larger vehicle in traffic, as well as some time with students on board the bus (still with the driver-trainer) to familiarize the driver with the additional distractions involved with passengers and procedures to be used when required to discipline students on a route or activity trip.

The approved first-aid/CPR class and approved "accident prevention course" required by K.A.R. 91-38-6 is training separate from the "bus driver training" requirement. Most of the classes currently approved by the Kansas State Department of Education will be at least eight hours in length for each initial certification program.

Re-training for approved first aid/CPR programs should be completed annually. The suggested retraining schedule is: 8-hour (initial course); 4-hour re-training; 4-hour re-training. This cycle should be completed every three years on a rotating basis. When changing program providers, however (e.g., from American Red Cross programs to Medic First Aid/CPR programs), the initial certification program must be completed, even if a full "8-hour" program was completed through the former program provider the previous year. If your program provider accepts a "challenge" to the re-training program, successful challenge may be allowed as the re-training module. The program's instructor has full discretion to accept or reject any challenges by a student. Drivers wishing to challenge a re-training module should contact the individual instructor to determine if the program utilized accepts a skills' challenge and to make arrangements for check-off.

In addition to training required by state regulation, drivers should receive other classroom training to become familiar with the vehicle laws, administrative regulations, local ordinances, and local school policies pertaining to providing transportation of school students.

USE OF SCHOOL PASSENGER VEHICLES

Highway Safety Guideline No. 17, dated May 28, 1991, issued by the National Highway Traffic Safety Administration (NHTSA), recommends transportation of students in school buses.

When utilizing vehicles designed to transport ten or fewer passengers for school transportation purposes, the transportation supervisor **should consider** development of the following policies:

1. Any person requesting to drive a school-owned vehicle should be required to present a valid driver's license for his/her state of residence and sign a release to allow a driver record check.
2. Each driver allowed to operate any school passenger vehicle should complete an approved "accident prevention course" such as the American Automobile Association's Driver Improvement Program, National Safety Council's Defensive Driving Course, or another course listed as approved in the Kansas Insurance Commissioner's office. Drivers should also be encouraged to complete an approved first aid and CPR course.
3. Any person authorized to operate school passenger vehicles should be included in the school's alcohol and drug testing program.
4. School passenger vehicles should contain emergency equipment similar to that required for school buses, to include:
 - A. First aid kit
 - B. Fire extinguisher
 - C. Body fluid clean-up kit
 - D. Emergency warning triangles
 - E. Seat belt cutter.
 - F. Other equipment as necessary to ensure safety of all persons traveling in the vehicle.

LOADING AND UNLOADING OF STUDENTS

K.A.R. 91-38-8 provides requirements for loading and unloading of students when utilizing school buses on normal routes, when using school buses or activity buses for school activities, and when using school-owned passenger vehicles for transportation of students. These requirements include loading and unloading of students from buses "whenever adequate space is provided".

In order to clarify "adequate space", the following guidelines are suggested:

1. School buses should not utilize private residential roadways or driveways for loading or unloading of passengers on a regular transportation route. On publicly maintained roadways, the bus may pull over onto the shoulder to load or unload passengers if:
 - a. There is an asphalt, concrete, or graveled surface wide enough to pull the bus completely off the main traveled portion of the roadway so as to not impede other vehicle traffic **and** allow the passengers to walk up to or away from the entry door without walking into the ditch.
 - b. No passengers can be required to cross the traveled portion of the roadway to load onto or unload from the bus.

If these two conditions cannot be met, then the bus driver should keep the bus in the traveled portion of the roadway and activate the alternately flashing warning lights to stop traffic before allowing students to load or unload.

3. At the schools, the transportation supervisor should ask the local board of education to adopt a policy establishing an area designated for loading and unloading of students and to allowing no other vehicular traffic in that area during morning unloading and afternoon loading of students regularly riding the bus to and from school. If possible, a separate area should be designated for parents to pick up and drop off the students being transported to school in private vehicles.
4. School bus and activity bus drivers would be allowed to use the alternately flashing warning lamps when it is necessary to load or unload in the traveled portion of the roadway at the destination for an activity trip. However, if the "activity bus" is not equipped with the warning light system, activity bus drivers should load or unload passengers in a parking lot or similar area away from other vehicle traffic.
5. Students being transported in school passenger vehicles should always be loaded or unloaded in an area completely separate from other vehicular traffic (i.e., a private driveway or parking lot).

COMMUNICATION

K.A.R. 91-38-2 requires that all school vehicles be equipped with two-way communication capabilities. If that two-way communication involves use of two-way FM radios, a dispatcher or other employee should be available to monitor the radio transmissions until all vehicles have completed daily routes and are returned to the designated parking area for the evening, or until a final destination has been reached on an activity trip.

When traveling for activity trips, consideration should be given to providing cellular telephone communication for emergencies. Two-way radios would generally provide less-than-optimum communication for activity trips.

PASSENGER CONDUCT RULES

K.S.A. 72-8302(c) and (d) provides authority for the local governing body to establish rules and regulations pertaining to passenger conduct when being transported in a school owned or contracted vehicle for daily or activity transportation. The items listed below should be considered when establishing these conduct procedures:

1. The driver is in charge of all passengers for loading onto, riding in, or unloading from the vehicle. Teachers or other sponsors may be asked to assist with discipline issues. It is the driver's ultimate responsibility ensure safe transportation for all passengers.
2. The driver cannot require a passenger to leave the vehicle prior to arrival at the destination point.
3. The driver has authority to establish an assigned seating arrangement or to assign seats individually.
4. Passengers awaiting transportation should stand at least ten feet back from the traveled portion of the roadway.
5. Tobacco products, intoxicating liquor or other alcohol products, or illegal drugs may not be transported or consumed in any vehicle being used for school transportation.
6. There should be no animals, except service animals, transported in a school bus.
7. Passengers should keep all body parts inside the vehicle at all times (i.e., no hands, feet, heads, etc., extended from windows or doors).

8. All passengers should remain seated while the vehicles are moving.
9. No weapons of any type may be transported in these vehicles, except those in use by a law enforcement officer in performance of official duties.

Any policy adopted should contain consequences for disobedience of these rules and a chain of command for enforcement.

The policy should also include information about hazards involved with eating and drinking while the vehicle is moving and the circumstances under which such activity would be allowed, if at all. Every effort should be made by the transportation supervisor to plan routes that will keep students on a bus for no longer than one hour.

GUIDELINES TO INCREASE VISIBILITY OF VEHICLES

Research by the American Automobile Association, National Safety Council, and other driving safety agencies has proven that vehicles can be seen from longer distances when utilizing headlights during operations 24 hours a day. "Daytime running lights" are one option now available to assist with this recommendation. When vehicles are not equipped with the "daytime running lights" option, it is recommended that the operator utilize the vehicle's headlights at all times the vehicle is in motion.

Strobe lights are also an option for use by school bus operators in Kansas. Current recommendations indicate that the driver should be allowed discretionary use for this strobe light to coincide with inclement weather or other visibility limitations.

EMERGENCY PROCEDURES

Each school is required by the provisions of K.A.R. 91-38-9 to develop a local policy for guiding personnel during an emergency. There are many agencies with documents to assist the local board in developing these procedures and many are accessible on the Internet. Some of the websites are:

National Safety Council -- www.nsc.org (This site should put you in contact with their Motor Transportation Division/School Transportation Section.)

National Weather Service -- www.nws.noaa.gov (This site connects you with the site containing the "Guide to Developing a Severe Weather Emergency Plan for Schools".)

Kansas State Department of Education -- www.ksde.org (This site connects you to our main website. Click on "School Bus Safety" and find our emergency procedures guideline book.)

Other sites for valuable information include:

School Bus Fleet -- www.schoolbusfleet.com

School Transportation News -- www.SchoolTransportation.com

When Internet access is not available for a school transportation department, hard copies of these guidelines may be obtained by faxing your request to the School Bus Safety Education Unit (785) 296-6659.

GUIDELINES WHEN APPROACHED BY EMERGENCY VEHICLES

During normal driving operations, when approached by an emergency vehicle displaying appropriate flashing lights and emitting an audible signal (siren), the driver of a school owned vehicle shall pull as far to the right of the roadway as possible and stop until the emergency vehicle has passed, in accordance with the requirements of the Kansas Vehicle Law.

When a school bus is stopped to load or unload students utilizing the alternately flashing red lamps and with a stop sign extended, the following suggested procedure should be followed:

- (A) If students have not begun to approach the bus to load or if the students are still on board the bus during unloading, the bus driver shall signal to the students to remain where they are. Once the driver has signaled to the students, the bus door may be closed, retracting the stop sign and de-activating the alternately flashing red lamps to allow the emergency vehicle to pass.
- (B) If students are in the roadway to load the bus or have disembarked from the bus when unloading, then the driver should leave the stop arm extended and alternately flashing red lamps activated.
- (C) At no time should any school vehicle driver or other passenger provide a physical signal to an emergency vehicle driver to proceed.

SPECIAL NEEDS STUDENT TRANSPORTATION

Federal and state regulations concerning special needs students and their transportation requirements are available from the Kansas State Department of Education. The transportation supervisor may obtain information regarding these requirements by faxing a request to the Student Support Services section, (785) 296-1413.

Any paraprofessional or other assisting personnel utilized when transporting these students should be included in the approved first aid/CPR training program and training to operate any specialized equipment required, along with the vehicles' drivers.

PRE-SCHOOL AND HEAD START TRANSPORTATION

When school transportation operations include transportation of pre-school aged students or students in a Head Start program, all guidance from the federal Head Start regulations, the National Standards document, and the National Highway Traffic Safety Administration (NHTSA) guideline for transportation of pre-school children in school buses apply.

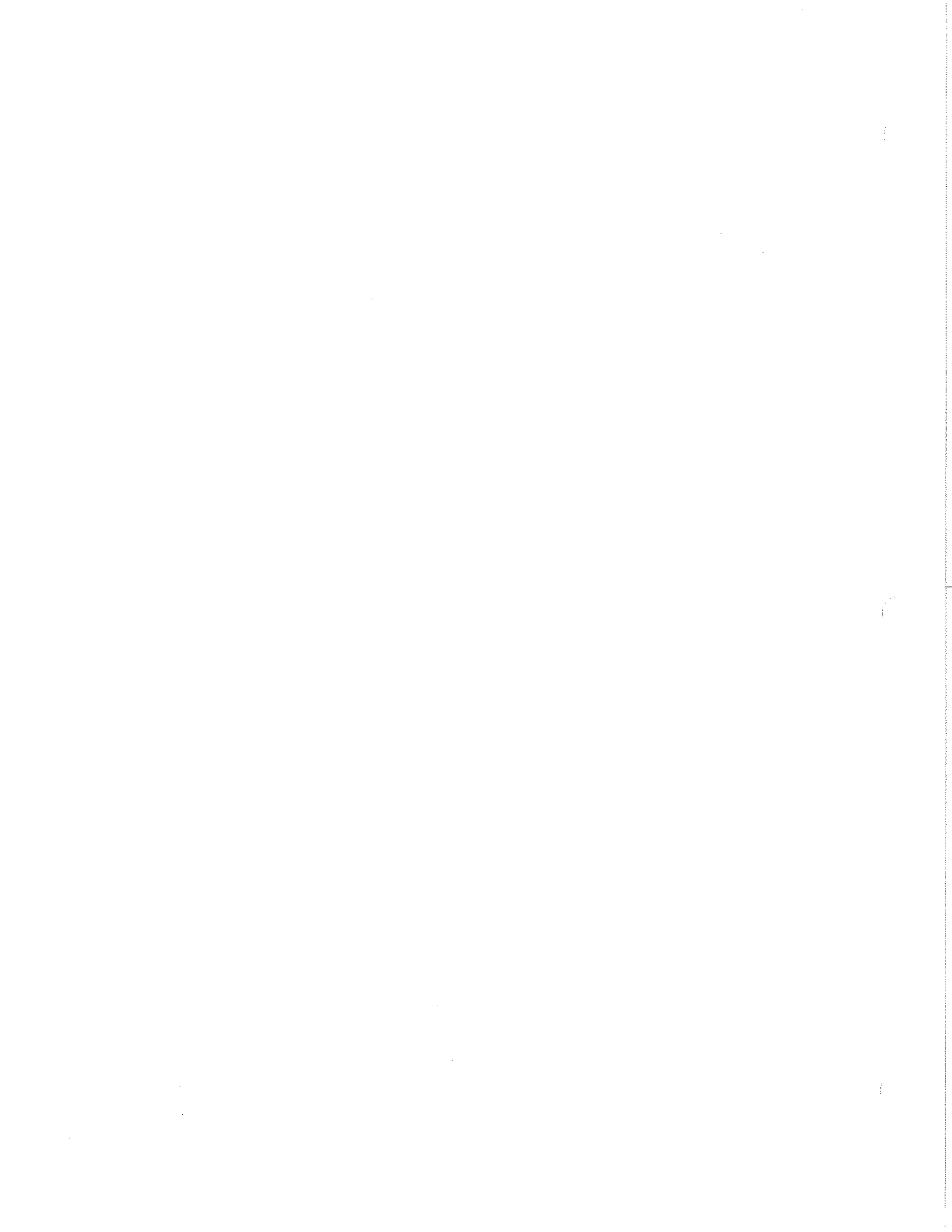
As with special needs student transportation, any paraprofessionals or other assistants should receive first aid/CPR training and training in the operation of all specialized equipment.

Safe transportation of pre-school and Head Start students will involve use of size and age-appropriate child safety restraining systems (CSRS). Transportation providers who will be involved in this operation should have at least one driver-trainer complete the NHTSA four-day program to become a Child Safety Restraining System Technician. All drivers and their attendants should receive the eight-hour "advocate" training for child safety restraining system installation as a minimum requirement to transport any infants, toddlers, or other pre-school students.

Some issues with child safety restraining systems that have arisen since beginning to deal with transportation of pre-school children on school buses are:

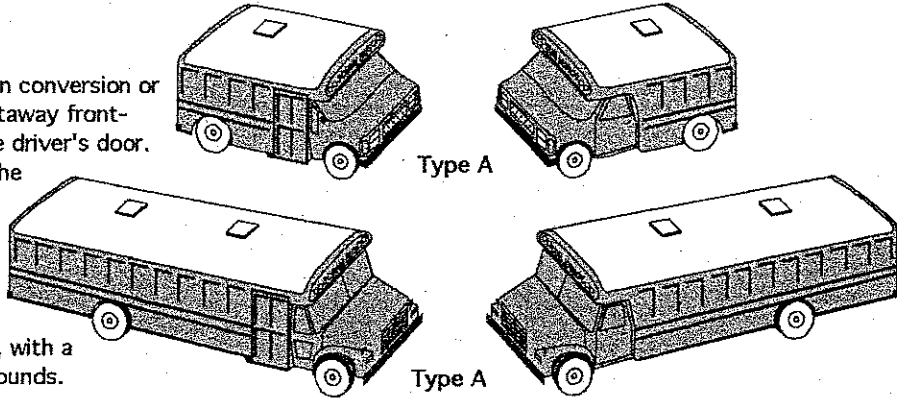
1. Attendants should be utilized in all school vehicles transporting children in CSRSs.
2. Anchor points for school bus seat belts are often too long and interfere with proper positioning of the latch plate for the locking plate to perform effectively. Seat belt anchor points should be located in line with or behind seat bight.

3. Many seat belt buckles on school buses are located on the aisle side of the bus seat. This interferes with the ability to install the seat as tightly as possible. With the safety belt buckle anchored near school bus wall and the latch plate anchored toward the aisle of the bus, the person installing the seat can have more room to maneuver to install the seat tightly.
4. It takes time to install CSRS correctly. For CSRSs which require tight installation, a minimum of two people should install the device together. One person should press against a fixed object (e.g., the ceiling or seat back forward of the CSRS) to press CSRS into seat cushions while the second person pulls on the belt webbing until it is as tight as possible. Check the CSRS at the end of each route so time can be allotted for reinstallation if it becomes necessary. Also, time must be scheduled for periodic inspections of the CSRS, regardless of snug fit.
5. Usually, rear-facing seats do not fit well in school buses. Make sure a rear-facing CSRS fits properly into the school bus seat in advance, or specify a larger seat spacing or "track" seating arrangement when ordering a new school bus. Available integrated child safety seats will help to remove the chance for installation error.
6. The transportation organization should supply CSRSs. Installation of the seat should be performed by a trained individual, and the attendant should be instructed in the proper method of fastening the child into the seat. Each child requiring a CSRS should be supplied with his/her own seat.
7. Thick clothing (winter coats, blankets, towels, etc.) on children introduces space between body and CSRS, which increases danger. Local policies be written to require school bus drivers to consider removal of excess clothing from children before tightening harness straps.
8. Safety belt cutters should be provided on each bus with CSRSs. One belt cutter should be available in the driver's compartment, and one belt cutter should be given to each attendant. For faster evacuations in an emergency, cut the safety belt on the bus and leave the child in the CSRS. This will help limit movement of the child in the event of possible injury.

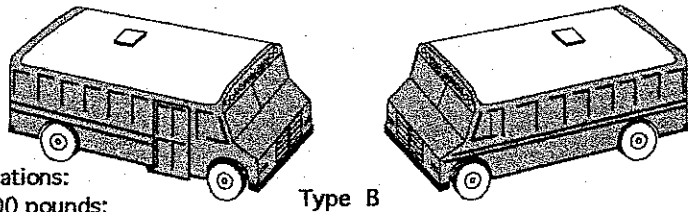


SCHOOL BUS TYPES

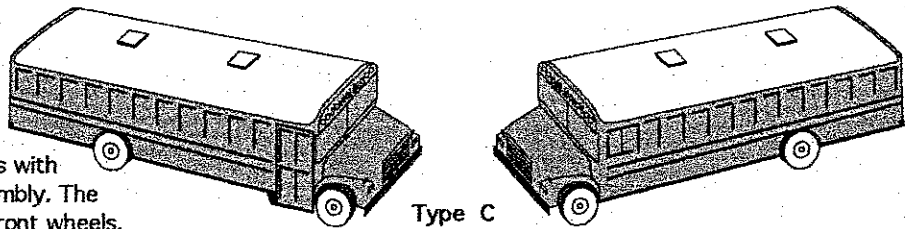
A Type "A" school bus is a van conversion or bus constructed utilizing a cutaway front-section vehicle with a left side driver's door. The entrance door is behind the front wheels. This definition includes two classifications: Type A1, with a Gross Vehicle Weight Rating (GVWR) less than or equal to 10,000 pounds; and Type A2, with a GVWR greater than 10,000 pounds.



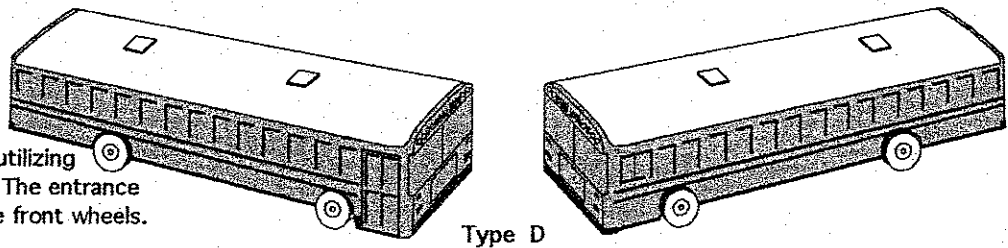
A Type "B" school bus is constructed utilizing a stripped chassis. The entrance door is behind the front wheels. This definition includes two classifications: Type B1, with a GVWR less than or equal to 10,000 pounds; and Type B2, with a GVWR greater than 10,000 pounds.

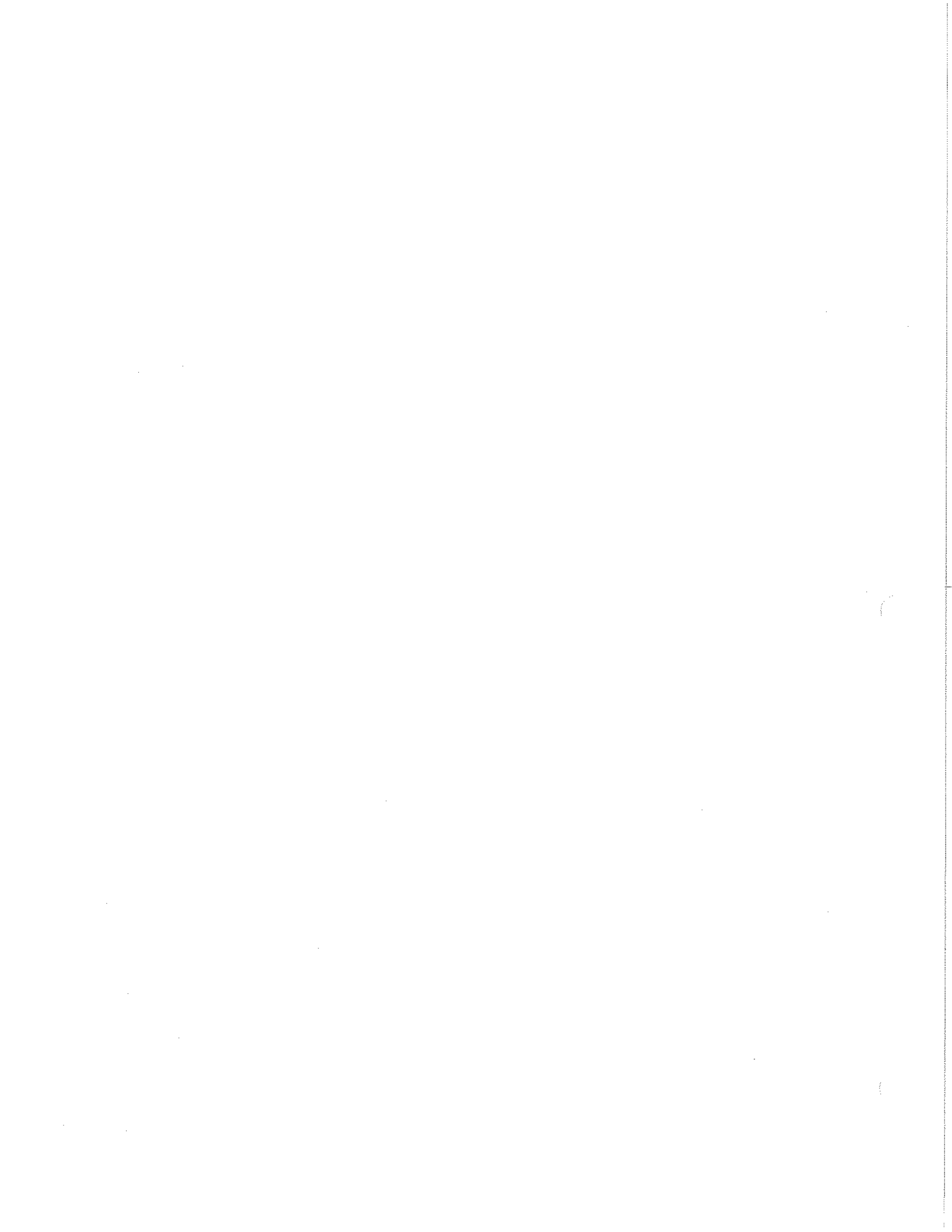


A Type "C" school bus is constructed utilizing a chassis with a hood and front fender assembly. The entrance door is behind the front wheels.



A Type "D" school bus is constructed utilizing a stripped chassis. The entrance door is ahead of the front wheels.





DRIVING RECORD CODES

Kansas Division of Vehicles

Driver Control Bureau

- AC4 Involved in traffic accident
A11 Under 21 with BAC .02 to less than .08
A30 Minor possess/consume/obtain alcohol
- B27 CMV - Violation of out-of-service order
B51 Driving with expired license or no driver's license
B91 Improper classification/endorsement on driver's license
- CA2 DUI conviction expungement
CA4 Juvenile offender
CA5 School safety violation - administrative suspension
- C11 Operating CMV with BAC .04 or higher
C12 Operating CMV under the influence of alcohol (DUI)
C13 Refusal to submit to a test for alcohol or drugs after operating a CMV
C14 Operating CMV under influence of controlled substance
C15 Operating CMV and leaving the scene of an accident
C16 Operating CMV involved in a felony
C17 Operating a CMV in a felony involving manufacturing, distributing or dispensing of a controlled substance
C18 Operating CMV in excess of 15 mph over speed limit
C19 Operating CMV with willful/wanton disregard for the safety of persons or property
C20 Reckless driving in a CMV
C21 Improper or erratic lane change in a CMV
C22 Following too close in a CMV
C23 Violation of a traffic control law in a CMV, arising in connection with a fatal accident
- C51 One-year disqualification for driving CMV with BAC .04 or higher
C52 One-year disqualification for driving a CMV under the influence of alcohol (DUI)
C53 One-year disqualification for refusal to submit to a test for alcohol or drugs after operating a CMV
C54 One-year disqualification for driving a CMV under the influence of a controlled substance
C55 One-year disqualification for leaving the scene of an accident involving a CMV
C56 One-year disqualification for a felony using a CMV
C61 Three-year disqualification for driving a CMV with BAC or higher while transporting placarded hazardous material
C62 Three-year disqualification for driving a CMV under the influence of alcohol while transporting placarded hazardous material
C63 Three-year disqualification for refusal to submit to a test for alcohol or drugs after operating a CMV while transporting placarded hazardous material
C64 Three-year disqualification for driving a CMV under the influence of a controlled substance while transporting placarded hazardous material
C65 Three-year disqualification for leaving the scene of an accident in a CMV while transporting placarded hazardous material
C66 Three-year disqualification for a felony involving use of a CMV while transporting placarded hazardous material
C70 Lifetime disqualification for using a CMV in the commission of a felony involving manufacturing, distributing or dispensing of a controlled substance
C71 Lifetime disqualification for a second offense for any combination of C11, C12, C13, C14, C15 and C16
C80 60-day disqualification for a second offense in a three-year period for any combination of C18, C19, C20, C21, C22 and C23 in separate incidents
C81 120-day disqualification for a third offense in a three-year period for any combination of C18, C19, C20, C21, C22, and C23, in separate incidents
C99 24-hour out-of-service order for a CMV
- DI1 Driving under influence of alcohol, narcotics, or pathogenic drugs or excessive blood alcohol - court conviction
DI3 Refusal to submit to a test for alcohol or drugs - administrative suspension
DI4 Illegal transportation of alcohol or drugs in a motor vehicle
DI5 Chemical test failure for alcohol - administrative suspension
DI7 Voluntary ignition interlock
DI8 Entered diversion agreement after DUI arrest
DI9 Required ignition interlock
D51 Failure to pay child support
D70 Driving with view obstructed to front or sides
- EM1 Leaving vehicle unattended with engine running
EM2 Exceeding weight limits
EM3 Towing or pushing vehicle improperly
EM5 Failure to dim lights as required or driving without lights
- FA1 Violation of a motor vehicle law resulting in the death of another person (includes vehicular homicide)
FE2 Using motor vehicle in connection with a felony (includes aggravated vehicular homicide and manslaughter)
FL5 Failure to pass required examination
FL6 Failure to submit required medical/vision report
FL7 Medical problem indicated on driver's license application
FL8 Failure to complete required alcohol program

FO1 Following too close
 FR1 Request for verification of insurance
 FR2 Failure to meet requirements for liability insurance following an accident - administrative suspension
 FR4 Failure to maintain continuous liability insurance or file evidence of insurance - administrative suspension
 FR5 Failure to maintain required liability insurance - court conviction
 HR1 Failure to stop and render aid after involvement in an accident resulting in bodily injury
 HR2 Failure to stop and reveal identity after involvement in accident resulting in property damage only
 HR4 Evading arrest
 M09 Failure to obey railroad-highway grade crossing restrictions not specifically noted in related codes while operating a CMV
 M10 Failure to obey traffic control device or directions of an enforcement official at a railroad-highway grade crossing while operating a CMV
 M20 Failure to slow down at railroad-highway grade crossing while operating a CMV
 M21 Failure to stop before railroad-highway grade crossing while operating a CMV
 M22 Failure to stop as required before driving onto railroad-highway grade crossing while operating a CMV
 M23 Failure to have sufficient space to drive completely through the railroad-highway while operating a CMV
 M24 Failure to negotiate a railroad-highway grade crossing due to insufficient undercarriage clearance while operating a CMV
 M25 Failure to stop before sidewalk when emerging from an alley, building private road or driveway
 M45 Entering an intersection, marked crosswalk or railroad crossing when there is insufficient space to cross over
 MR1 Misrepresentation of identity or other facts to obtain a driver's license - administrative action
 MS1 Starting improperly from a parked position
 MS2 Improper backing
 MS8 Suspended/Revoked out-of-state
 MS9 Insufficient check
 N08 Failure to take action to avoid colliding with a pedestrian
 N80 Coasting with the gears or transmission in neutral
 N84 Allowing an under 14 passenger to ride on the vehicle while in motion
 PA1 Passing improperly or where prohibited
 RK1 Heedless, willful, wanton or reckless disregard of the rights or safety of others

while operating a motor vehicle, endangering persons or property

RK2 Vehicle battery - With DUI
 RK7 Vehicle battery - With eluding or reckless driving
 RR2 Failure to comply with a traffic citation
 RV3 Accumulation of violations resulting in the administrative suspension of driving privileges
 RV4 Habitual violator - 3-year loss of driving privileges - Administrative revocation
 RW3 Failure to yield right of way in the manner required
 SC1 Failure to comply with traffic instructions of a police officer or fireman, or obey traffic sign or control device
 SI1 Failure to give proper signal
 SP1 Contest racing on public roads or highways
 SP2 Driving too fast for conditions
 SP3 Driving in excess of posted maximum speed limit
 SP4 Driving less than posted minimum speed limit
 TF1 Theft of motor fuel dispensed in a vehicle at a gas station
 TU3 Making improper turn
 VR1 Driving while revoked
 VR2 Driving while suspended
 VR3 Violation of court probation
 VR4 Operating contrary to conditions specified on driver license or without being licensed
 VR9 Circumventing/tampering with ignition interlock device
 WW1 Driving wrong way, in wrong direction or in wrong lane, or improper lane changing
 W60 Accumulation of two railroad-highway grade crossing violations within three years
 W61 Accumulation of three or more railroad-highway grade crossing violations within three years

MISCELLANEOUS CODES

ADM Administrative
 CAN Cancelled
 CON Conviction
 DEN Denied
 DIS Disqualified
 EXP Expired
 OTH Other not valid
 RES Restricted driving privileges
 REV Revoked
 SUR Surrendered
 SUS Suspended
 VAL Valid
 WTH Withdrawal

ENTRIES ON A DRIVING RECORD

ACTION -- Type of entry: CON - conviction; WTH - withdrawal of license; ADM - administrative action; RES - restricted license; AC4 - accident

ACTION DATE -- Date action was taken.
Conviction date for a conviction, order
date for a withdrawal, reinstatement
date.

OCCUR DATE -- Date of occurrence - also could
be order date for a withdrawal or
reinstatement.

VIOL TYPE -- Code or abbreviation for
conviction or action

STT JUR -- State of offense

LCL JUR -- Local jurisdiction

CRT TYP -- Type of court which convicted (DIS -
District, MUN - Municipal)

CMV -- If event occurred in a commercial motor
vehicle

HAZMAT -- If hazardous material was involved
with a commercial motor vehicle

REAS -- The reason the action was taken. This
entry does not represent a separate
conviction.

EFF DATE -- Effective date. Date the action is
effective.

LGTH - Length of suspension or revocation if
applicable.

ELIG DATE -- Date person is eligible for
reinstatement. Does not mean person will
be reinstated on that date.

REINS DATE -- Date of actual reinstatement.

EXT SEV -- Accident severity or severity of CDL
action

NOTE: There may be codes that appear on a
commercial driving record that are not
listed on this sheet. These instances should
be rare, however, if this occurs you can
contact the Driver Control Bureau at (785)
296-3671 for assistance.

DC-9 (Rev. 3/03)

