

HB

240

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SCSCS HB 240 Trans
 Title : "An Act relating to overtaking
 and passing school buses."

Sponsor : Thompson, et.al
 Requestor : Senate Transportation
 Date of Request : February 26, 1986

FISCAL DETAIL

Agency Affected : Department of Education
 BRU : K-12 Support

Components : Pupil Transportation

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Mary Hakala
 Division : Commissioner's Office

Phone : 465-2800
 Date : February 26, 1986

Approved by Commissioner : Harold Reynolds, Jr.
 Agency : Department of Education

Date : February 26, 1986

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)



School buses & seat belts



A discussion



Alaska Department of Education
Pouch F, Juneau, AK 99811
August 1985



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Foreword

The success of seat belts in reducing injuries and deaths in automobile accidents appears at first glance to apply also to school buses. Yet school buses are not equipped with seat belts. Why not?

Next to parents, those most concerned about the safety of children on school buses are the people responsible for the pupil transportation program. These people—school bus drivers, school bus driver instructors, and school district administrators involved in the day-to-day operation of school vehicles—are familiar with the many issues concerning seat belts on school buses. The subject has been studied for many years at the national and state levels, and much information is available on both sides of the issue.

The purpose of this publication is to provide

- information on why seat belts are not installed on school buses
- research results on the use of seat belts on school buses
- the positions of national and state safety organizations on the seat belt issue.



School buses and safety

Why seat belts are used in automobiles

One purpose of seat belts is to prevent the person wearing them from being thrown out of a vehicle during a collision. But, unlike automobiles, school bus seats are not located opposite a door which could open and allow passengers to be ejected upon impact. School buses usually have only two doors. Neither is located beside a passenger seat.

A second purpose of seat belts is to prevent the wearer from striking sharp objects in the vehicle during an accident. Again, automobiles and school buses are not the same. School buses do not have steering wheels, dashboards, and door and window handles protruding into the passenger compartments. The only person in a school bus threatened by these objects is the bus driver, who wears a seat belt.

Other differences between automobiles and school buses

Passengers in school buses are protected by careful padding of seats, seat backs, sides and aisles. During a sudden impact the padding cushions students and absorbs most of the impact.

The outer construction of school buses and automobiles also is different. A school bus is encased in a metal frame much like a metal rib cage. In comparison, modern automobiles have little reinforcement. Also the passenger compartment in buses is well above the bumper height of automobile bumpers, so the impact of a collision is not at the same height as an automobile. And the impact is not as great on the passengers. This is the reason why interstate buses, public transit buses and school buses are exempt from safety belt requirements. They have a natural safety edge because they are bigger and heavier than automobiles and their interiors are designed to provide much more safety.

School buses are safer for other reasons as well. Other drivers easily see them because of their bright yellow color, flashing lights, special markings and low traveling speed. School buses are also recognized for



Federal school bus standards

the special cargo they carry—our children. These factors make drivers more cautious around school buses.

The National Highway Traffic Safety Administration in the 1970s studied how to improve the interior of the passenger compartment of school buses. The research, based on many crash tests, resulted in major seating and body design recommendations. The federal government used these recommendations to require bus manufacturers to change the way school bus interiors were designed. The design changes required in school buses made after April 1, 1977 were:

- Seats were redesigned to meet specific spacing requirements.
- Seats were to be fully padded in front and back. Seat backs were heightened. These newly designed seats provided a padded cavity for passengers—a concept called compartmentalization—which crash tests proved to provide the most effective protection in a collision.
- School bus bodies were greatly strengthened to withstand heavy impacts from the side, front and rear. Improvements also were made to school bus roofs for protection in case of roll over.

Improvements were made to school bus fuel tanks and lines to lessen the possibility of fuel spillage during collision.

Compartmentalization

How does compartmentalization work? Upon vehicle impact, an unbelted child will slide forward on the seat and into the padded back of the seat ahead. This distributes the forces of impact and injuries most likely will be minor. On the other hand, the lap-belted child's hips will act as a fulcrum, throwing the upper body forward with great force. This may cause severe injuries to the abdominal region because of the pressures involved.

that 40 inches or more of unobstructed space is required in front of a lap-belted passenger to avoid upper body and head injuries. Since school bus seats are closely spaced, the lap-belted child's throat or head will most likely strike the back of the seat ahead during an accident. In such cases, the head or throat will receive all the forces of the impact and could result in severe physical injuries.





Positions

The National Highway Traffic Safety Administration, the National Safety Council, and the National School Transportation Association have stated that current school bus safety standards in force since 1977 provide adequate protection for school bus passengers. The following are the positions of those organizations:

**National Highway
Traffic Safety
Administration**

The U.S. Department of Transportation in Issue Paper HS-806-000 dated September, 1981 states:

“The National Highway Traffic Safety Administration agrees that children should be protected on school buses but does not support a requirement for seat belts for passengers in large school buses. Improving the seating compartment eliminates the need for seat belts and provides sufficient crash protection.”

**National Safety
Council**

The National Safety Council in its policy statement *Protecting Pupil Passengers in School Buses* dated June 28, 1984, states:

“The Council recommends that until further research and testing demonstrate that pupils will be safer by the installation of seat belts in school buses, the Council believes that passive protection provided by compartmentalization as required by the current (1977) federal standard on school bus seating and crash protection protects seated pupil passengers in school buses with gross vehicle weight ratings (GVWR) greater than 10,000 pounds.”

**National School
Transportation
Association**

The Board of Directors of the National School Transportation Association (NSTA) in its Spring, 1984 special edition of *National School Bus Report*, states:



**Canadian
Government**

“Those of us who work with the children and school buses every day feel that every new item that is added or changed on school buses should be well tested and engineered prior to being mandated as a regulation. That is why NSTA will continue to support the compartmentalization concept until documented research establishes that seat belts on school buses will raise the level of protection for the occupants.”

School bus tests have shown that in some crashes belted passengers suffer more severe injuries than those not belted. A case in point is the most recent crash tests by the Canadian government.

In 1984 the Canadian government sponsored crash testing to determine the effectiveness of seat belts in three sizes of school buses. Results of the crash testing were summarized in the December 19, 1984 issue of the *Bulletin*, published by the Supply and Services Division of the Canadian government, and a February 1985 technical memorandum on automotive safety entitled *School Bus Collision Tests*, published by Transport Canada of the Canadian government. These publications state:

“Transport Canada has reaffirmed that the safety features Canada (same as U.S. Federal Motor Vehicle Safety Standards) has incorporated into its school buses—well-padded, high-backed, energy-absorbing seats, spaced at controlled intervals—provide a safe environment without seat belts.”

“The use of lap seat belts in any of the 3 sizes of recent model school buses which were tested may result in more severe head and neck injuries for a belted occupant than for an unbelted one in a severe frontal collision.”



State of Arkansas

On March 25, 1983 a school bus accident in Jonesboro, Arkansas, killed nine persons including four students. The tragedy heightened concern for school bus safety among parents, interested citizens, school officials and legislators. Because of the accident, the Arkansas Legislature studied whether to install seat belts on school buses. In its September 20, 1984 report entitled *Feasibility of Requiring School Districts to Install Seat Belts on School Buses* the Arkansas Legislative Council concluded:

“It appears that based on the costs, the lack of data indicating a great fatality decline with the installation of seat belts, the possible dangers which could arise from the installation of the seat belts themselves, and the outstanding safety records of school buses in general, the issue of seat belts in school buses could be left as a decision to be made by individual school districts and should not be mandated by the legislature.”

State of New Jersey

Independent groups in New Jersey have thoroughly studied over the last 15 years the subject of seat belts on school buses. The groups have not recommended installation of belts. A March 1, 1983 letter written by the New Jersey Department of Education regarding the research states:

“In any decision-making process involving the safety and well being of transported students, the bus internal and external safety environment must be carefully analyzed. Such questions as, ‘Is what we are proposing more safe, less safe or as safe as what we already have?’ (should be raised). It is apparent that there still are too many safety trade offs that, under highly critical questioning, prohibit mandated seat belts at this time.”



State of Minnesota

In 1984 the Minnesota Legislature created a task force to answer concerns about school bus safety after fatal school bus accidents. The task force recommended against mandating seat belts in school buses.

State of Maryland

The Maryland Department of Education has concluded that seat belts would not improve the safety of pupils on school buses and may even present hazards to their safety. In the publication *Concerns about Seat Belts on School Buses* dated January, 1985, the department made these findings:

- If the bus rolls over on its side or roof during an accident, passengers may suffer serious injuries when releasing their seat belts because the bus roof would be three to four feet from their heads. Also, young children may find it difficult to unfasten a seat belt because of their suspended weight.
- If the school bus catches fire, particularly with unconscious children aboard, rescuers may not have enough time to release seat belts for as many as 60 children.

State of Alaska

The Department of Education in 1983 appointed a committee of school bus company representatives and school transportation officers to study school bus safety issues. In February 1985 the committee issued a resolution that since has been endorsed by the Alaska School Transportation Association and the Alaska Association for Pupil Transportation. The resolution states:

“The Alaska School Bus Safety Committee is agreed in its opinion that no legislative or regulatory action be taken in the State of Alaska to require seat belts on school buses until an authoritative body of test data has been produced showing conclusively that the overall safety of the ridership on pupil transportation buses is significantly enhanced.”



The real danger

According to the National Safety Council, in 1983 55 pupils were killed in school bus accidents nationwide. Ten were school bus passengers and 45 were pedestrians approaching or leaving a loading zone.

Evidence does not show that fatalities inside the bus could have been prevented by seat belts. Most school bus accidents resulting in fatalities inside the bus involve another large vehicle such as a tractor-trailer combination or a railroad train. A section of the bus is usually torn away, intruded into or crushed. In these types of accidents it is sometimes evident that students would have suffered more severe injuries or even suffered a greater number of fatalities if they had been belted in some seat locations.

According to the National Safety Council, the greatest danger area for children is outside the school bus in an area known as "the loading zone." The loading zone is the area where pupils wait for the bus in the morning and get off the bus in the afternoon. Of the 45 fatalities in this area during 1983, more than half were killed when hit by the bus they regularly rode. The others were killed by motorists who failed to stop for school buses loading and unloading passengers.

The Alaska School Bus Safety Committee recommends that efforts be increased to lower loading zone fatalities. The committee's resolution:

"Alaska pupil transportation professionals should continue their ongoing efforts to reduce the incidence of external loading zone fatalities which exceed internal crash fatalities by a ratio of approximately 3 to 1 through state regulation of roadworthiness, in-depth school bus driver safety training, and preventative maintenance program for buses and that these same pupil transportation professionals should work diligently to develop a comprehensive program to promote loading and unloading zone safety awareness in the students' minds through classroom curriculum, in the motoring publics' mind through the public media, and in the parents' minds through use of parent-teacher associations and other concerned citizen groups."



Conclusion

The Department of Education has carefully reviewed available information about using seat belts in school buses. In light of the evidence, the department has concluded that it cannot support seat belt use in school buses until further testing shows that it is safer than compartmentalization.

Until such time, the department supports the position favoring compartmentalization of the National Highway Traffic Safety Administration, the National Safety Council and the National School Transportation Association.

The department also supports the Alaska School Bus Safety Committee's resolution that encourages greater efforts to reduce external loading zone fatalities. The department also encourages all concerned Alaskans to work with the Alaska School Bus Safety Committee in promoting programs on safety awareness in the loading and unloading zone area.



An Equal Opportunity Employer
Bill Sheffield, Governor

Failed to be added
by committee 2/24

DEPARTMENT OF LAW PROPOSED CS
FOR SCS CSHB 240 (TRANSPORTATION)

Subsections (a), (b), and (c) remain the same.

(d) A driver who violates this section is guilty of an infraction and, in addition to other penalties provided by law, is subject to a mandatory assessment of six demerit points under AS 28.15.221 -- 28.15.261.

(e) A vehicle owner, or in the case of a leased vehicle, a lessor, may be punished by a civil penalty not to exceed \$100 if the vehicle owned or leased by the person is operated in violation of this section. It is an affirmative defense to a civil penalty under this subsection that 1) the owner's or lessor's vehicle was stolen; 2) the driver of the vehicle was convicted under (d) of this section; or 3) the lessor of the leased vehicle has disclosed to law enforcement authorities the name and address of the person who was the lessee of the motor vehicle at the time of the offense. Demerit points under AS 28.15.221 -- 28.15.261 may not be assessed against an owner or lessor who has been punished by a civil penalty under this subsection. This subsection does not prohibit or limit the prosecution of a vehicle driver for violating (a) or (b) of this section.

(f) This section does not preclude prosecution for any other infraction or criminal offense that may have been committed.

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(f) This section does not preclude prosecution for any other infraction or criminal offense that may have been committed.

KODIAK ISLAND BOROUGH
RESOLUTION NO. 85-38-R

A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY SUPPORTING COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 240 CONCERNING OVERTAKING AND PASSING SCHOOL BUSES.

WHEREAS, Committee Substitute for House Bill No. 240 has been introduced which increases the regulations on passing school buses and stiffens the penalties for violations of this law, and

WHEREAS, school bus passing has been a serious problem in the Kodiak Island Borough during the current school year, and

WHEREAS, the State Troopers and City Police cannot be everywhere at once which means a greater deterrence must be placed in this law to encourage citizens to abide within the law, and

WHEREAS, the school children must be protected while loading and unloading on school buses.

NOW, THEREFORE, BE IT RESOLVED that the Kodiak Island Borough Assembly strongly supports Committee Substitute for House Bill No. 240 and urges that it be passed and signed into law, and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the following individuals:

The Honorable Bill Sheffield, Governor of Alaska
The Honorable M. Mike Miller, Chairman House Judiciary Committee
The Honorable Fred F. Zharoff, Senator District N
The Honorable David W. Thompson, Representative District 27

PASSED AND APPROVED this 4th day of April, 1985.

KODIAK ISLAND BOROUGH

By Thomas H. Peterson
Borough Mayor

ATTEST:

By Shirley Miller, CMC
Borough Clerk

Alaska State Legislature

Senate Transportation Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-chairman
Sen. Mitch Abood
Sen. Jan Finks
Sen. Joe Josephson

Douch V
Juneau, Alaska 99811

February 10, 1986

TO: All Members of the Committee

FROM: Committee staff

RE: HB 240

In today's packet you will find:

1. a sectional analysis of HB 240
2. a DOE position paper
3. resolutions in support of HB 240 from the Kenai Peninsula Borough, the Kodiak Assembly and the Alaska School Bus Committee
4. the Association of Alaska School Boards position paper
5. the Department of Public Safety position paper

HB 240 clearly defines what the penalties will be for passing or overtaking a school bus while the bus is loading or unloading. This new section is added to the miscellaneous provisions under Title 28, Motor Vehicles.

One convicted of this infraction will receive 6 points on his driver's license. A total of 12 points within one year will result in suspension, revocation or denial of a driver's license. The enclosed sectional analysis addresses under what circumstances one will be cited.

A RESOLUTION OF
THE ALASKA SCHOOL BUS SAFETY COMMITTEE
RELATIVE TO SCHOOL BUS STOP ARM VIOLATIONS

WHEREAS, the safety of all Alaska school children who are transported to and from school is jeopardized by motorists who pass school buses displaying the red flashing stop lights while loading and unloading school children, and

WHEREAS, these violations occur in rural areas as well as in urbanized areas each school day in Alaska where an estimated 2,000 violations occur each school year with a negligible citation and conviction rate estimated to be less than 1%, and

WHEREAS, in the absence of identification and conviction of these motorists there exists no effective deterrent to the continuing lack of sensitivity to the safety of Alaska school children and is a discouragement to pupil transportation professionals in Alaska, and

WHEREAS, current reporting requirements set out in Alaska state law for stop arm violations have proven to be usually impossible to satisfy in the everyday work situation, and

WHEREAS, conviction of motorists who commit these violations and endanger the lives of Alaska school children is effectively stifled because of these onerous requirements,

NOW THEREFORE BE IT RESOLVED, that the Alaska School Bus Safety Committee urges the Alaska State Legislature to strengthen the current law to allow for citation and vigorous prosecution of the registered owner of the vehicle responsible for violating the law.

Alexandra C. Hutchins
Chairperson
Alaska School Bus Safety Committee

February 27, 1985
Date

The Real Danger Zone

According to National Safety Council statistics, 55 pupils were killed in school bus transportation accidents during 1983. Ten were passengers on school buses, and 45 were pedestrians either approaching or leaving a loading zone.

Of the fatalities inside the bus, no evidence exists that seat belts would have prevented any of these. Most school bus accidents resulting in fatalities inside the bus, involve another large vehicle such as a tractor-trailer combination or a railroad train. Usually a section of the bus is torn away or there is a serious intrusion into, or compression of, the passenger compartment. In these types of accidents it is sometimes evident that if pupils had been belted in some seat locations they would have suffered more severe injuries and/or a greater number of fatalities.

As can be surmised from the National Safety Council statistics, the greatest danger area for children is outside the school bus, in the loading zone--the area where pupils wait for the bus in the morning and are discharged from the bus in the afternoon. Of the 45 fatalities in this area during 1983, more than half were killed when hit by the bus they regularly rode. The others, by passing motorists who disobeyed the law requiring motorists to stop for school buses loading and unloading passengers.

The Alaska School Bus Safety Committee recommends that emphasis be placed on reducing the incidence of external loading zone fatalities. Their Resolution dated February 27, 1985 states the following:

Alaska pupil transportation professionals should continue their ongoing efforts to reduce the incidence of external loading zone fatalities which exceed internal crash fatalities by a ratio of approximately 3 to 1 through state regulation of roadworthiness, in-depth school bus driver safety training, and preventative maintenance program for buses and that these same pupil transportation professionals should work diligently to develop a comprehensive program to promote loading and unloading zone safety awareness in the students' minds through classroom curriculum, in the motoring public's mind through the public media, and in the parents' minds through use of parent-teacher associations and other concerned citizen groups.

Conclusion

The Department of Education has carefully reviewed all material that we have been able to obtain on the subject, including information on recent crash testing done in Canada. Results of that testing indicate that in certain situations, belted passengers suffer more severe injuries than those not belted.

Introduced by: Dimmick
Skogstad, Keene
Carey, Walli
Date: Mar. 19, 1985
Vote: 10 Yes, 5 No
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 85-49

URGING PASSAGE OF HOUSE BILL 240 BY THE LEGISLATURE.

WHEREAS, the safety of our children when transported to and from school is of paramount importance; and

WHEREAS, the most dangerous part of the trip is exiting the bus on a travelled roadway at the students regular stop.

WHEREAS, there have been increasing reports of vehicles passing school buses when they are stopped to let children on or off, threatening the lives and safety of the children; and

WHEREAS, House Bill 240 would allow prosecution of the owner of a vehicle identified as driving in violation of the law requiring vehicles to stop when the school bus is loading and unloading, and may help to cut down the number of violators and potential accidents;

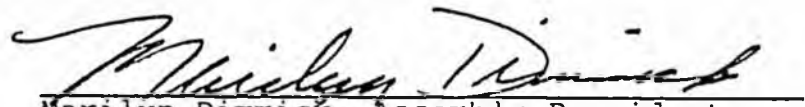
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the Kenai Peninsula Borough Assembly supports House Bill 240 and urges passage immediately.

Section 2. That this resolution shall take effect immediately upon its adoption.

Section 3. That a copy of this resolution shall be sent to Governor William J. Sheffield, to Senators Edna DeVries, Paul Fischer, Jalmar M. Kerttula, and John C. Sackett, to Representatives Bette Catc, Andre Marrou, Mike Navarre, Kay Wallis, Mike Szymanski, David Thompson, Robin Taylor, and John L. Sund.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 2nd DAY OF April, 1985.


Marilyn Dimmick, Assembly President

ATTEST:


Joan Bindley
Borough Clerk

Kenai Peninsula Borough Position

ASSOCIATION OF ALASKA

SCHOOL BOARDS

1985

FINAL

RESOLUTIONS

Passed At November 1985 Annual Meeting

Association of Alaska School Boards Position Paper

REQUIRE WARNINGS BE ISSUED TO OWNERS OF VEHICLES
ACCUSED OF PASSING SCHOOL BUSES LOADING OR UNLOADING STUDENTS

WHEREAS, Alaska law requires all vehicles approaching a school bus loading or unloading children to come to a full stop without passing the bus until the bus warning lights have been turned off; and

WHEREAS, this practice is common to all states and communities to protect children from potential accidents in traffic; and

WHEREAS, persons acting in a reckless manner that endangers the lives of children must be assured of penalties that are swift, sure and of suitable consequence to deter similar behavior; and

WHEREAS, laws in other states successfully support more active prosecution and punishment of drivers who endanger children's lives by illegally passing school buses while students are boarding or leaving the school bus,

THEREFORE BE IT RESOLVED, that the Association of Alaska School Boards supports changes in the law that allow the school bus driver or others reporting violations of this law to the local law enforcement agency to identify the vehicle license number and/or description of vehicle, date and time of the alleged violation to secure a warning against the owner of vehicle reportedly endangering children's lives.

Sectional Analysis of HB 240 ()

Section 1 AS 28.35 is amended by adding a new section. Section 28.35.145(a) requires that a driver of a vehicle that meets or overtakes a school bus stopped on a highway or vehicular way or area must stop at least **30** feet before reaching the school bus when the bus has red lights flashing. The driver must remain stopped until the bus proceeds, or the red lights are extinguished.

Subsection (b) requires that the driver of a vehicle yield the right of way to a person crossing a highway or vehicular way or area to embark on or disembark from a school bus, regardless of whether the school bus has red lights flashing or whether the person crosses outside of a crosswalk.

Subsection (c) provides that the driver of a vehicle on a highway with separate roadways is not required to stop for a school bus on a different roadway or, when driving on a controlled access highway, for a school bus stopped in a loading zone if pedestrians are not permitted to cross the highway.

Subsection (d) provides that if convicted, the driver is guilty of an infraction and subject to a mandatory assessment of six demerit points. An infraction carries a maximum penalty of a \$300 fine.

Subsection (e) is an entirely new subsection, and does not appear in HB 240 (Judiciary). This subsection provides that an owner, or in the case of a leased vehicle a lessee, is subject to a civil penalty not to exceed \$100 if a vehicle owned or leased is operated in violation of this section. There are two exceptions to this provision. If the vehicle is stolen, or if the driver is convicted under subsection (d), the owner or lessee cannot be penalized. Also a lessor is not responsible if the lessor keeps a record of the name and address of the lessee. This subsection also provides that no loss of driver's license, privilege to drive, or assessment of demerit points can occur if this subsection is violated. Also this subsection specifies that it does not prohibit or limit prosecution of a vehicle driver under subsection (a) or (b). The subsection is patterned after a Minnesota statute, Minn. Stat. 169.44 (1) (c) (2), and is in substance identical to that law.

Ford ✓
12/6/85

Original sponsors: Thompson, Cato
and Sund

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 240 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to overtaking and passing school
7 buses."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 28.35 is amended by adding a new section to read:

10 Sec. 28.35.145. OVERTAKING AND PASSING SCHOOL BUS. (a) The
11 driver of a vehicle that meets or overtakes a school bus stopped on a
12 highway or vehicular way or area shall stop not less than 30 feet from
13 the school bus before reaching it when there are in operation on the
14 school bus flashing red lights as required by regulation. The driver
15 may not proceed until the school bus proceeds and the flashing lights
16 are no longer illuminated.

17 (b) When a school bus is stopped on a highway or vehicular way
18 or area, whether or not there are in operation on the school bus
19 flashing red lights as required by regulation, the driver of a vehicle
20 shall yield the right-of-way to a person crossing a highway, vehicular
21 way, or area to embark on or disembark from the school bus, whether or
22 not the person is crossing within a marked crosswalk.

23 (c) The driver of a vehicle on a highway with separate roadways
24 is not required to stop when meeting or passing a school bus that is
25 on a different roadway or, if upon a controlled access highway, when a
26 school bus is stopped off the highway in a loading zone that is part
27 of, or adjacent to, the controlled access highway, and pedestrians are
28 not permitted to cross the highway.

29 (d) A driver convicted under this section is guilty of an

1 infraction and, in addition to other penalties as provided by law, is
2 subject to a mandatory assessment of six demerit points under
3 AS 28.15.221 - 28.15.261.

4 (e) A vehicle owner, or in the case of a leased vehicle a les-
5 see, may be punished by a civil penalty not to exceed \$100, if the
6 vehicle owned or leased by the person is operated in violation of this
7 section. The owner or lessee may not be penalized if the vehicle was
8 stolen, or the driver of the vehicle is convicted under (d) of this
9 section. This subsection does not apply to a lessor of a vehicle if
10 the lessor keeps a record of the name and address of the lessee. A
11 violation of this subsection may not result in the loss of a driver's
12 license or privilege to drive and does not constitute grounds for
13 assessment of demerit points under AS 28.15.221 - 28.15.261. This
14 subsection does not prohibit or limit the prosecution of a vehicle
15 driver for violating (a) or (b) of this section.



Alaska State Legislature
House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

OFFICIAL BUSINESS

POUCHV
JUNEAU, AK 99811
465.3759

House HESS Committee

Letter of Intent

CSHB 240 (HESS)

It is the intent of the House Health, Education, and Social Services Committee in passing out this bill that the Supreme Court specify in its court rules that a court appearance be required for a violation of AS 28.35.145 (a) or (b).

Representative Max F. Gruenberg, Jr.
Co-Chair
House HESS Committee

Representative Niilo Koponen
Co-Chair
House HESS Committee

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

BILL SHEFFIELD, GOVERNOR

P.O. BOX 100960
ANCHORAGE, ALASKA 99510-0960
PHONE: (907) 269-5551

December 16, 1985

The Honorable Max F. Gruenberg, Jr.
Co-Chair, House HESS Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

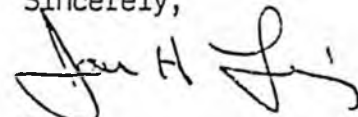
Dear Representative Gruenberg:

I have reviewed HB-240 (Draft) you sent. It does not appear that the Division of Motor Vehicles would have a problem with this bill, however I have one reservation.

Under paragraph (e) of the bill, I question what recourse an owner would have if a civil penalty is imposed on them and they choose to contest the penalty. If the court system is the owner's recourse there would no fiscal impact on DMV. However, if this bill visualizes the Division of Motor Vehicles' administrative hearing officers as an avenue of recourse to affected owners, there would be a fiscal impact that would need to be evaluated.

If we don't receive further correspondence from you on this matter it will be assumed that the court system will be any affected owner's recourse. In the event the Division of Motor Vehicles will be involved in reviews of penalties, please advise and we'll prepare a fiscal note.

Sincerely,



John H. Lucking
Director