

H B

397

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*House Transportation:*

*2/19/88*



FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: "An Act relating to licensing school bus drivers."  
Sponsor: Rep. Cato and Frank  
Requestor: House Rules

Agency Affected: Public Safety  
BRU: Motor Vehicles

Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No fiscal impact on this department.

Prepared by: Bill Brown Phone: 465-4335  
Division: Motor Vehicles Date: 3/7/88

Approved by Commissioner: *Wayne Houtski, Dep. Comm.* Date: 3-16-88  
Agency: Public Safety

Distribution (by preparer):

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

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version : HB-397  
Publish Date : \_\_\_\_\_

REQUEST: \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: licensing of school bus drivers.

Agency Affected: Education  
BRU: \_\_\_\_\_

Sponsor: Cato  
Requestor: House Transportation

Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		Ø	Ø	Ø	Ø	Ø
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		Ø	Ø	Ø	Ø	Ø
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Steve Hole  
Division: Commissioner's Office

Approved by Commissioner: William G. Demmert  
Agency: Education

Phone: 465-2800  
Date: 2-18-88

Date: 2-18-88

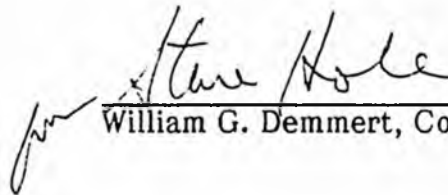
Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)  
Senate Secretary

ALASKA DEPARTMENT OF EDUCATION  
Position Paper - SB 375  
2/10/88

The Department of Education strongly supports training and licensing of drivers who transport large groups of students to or from school or school activities.

We agree with the requirements of this bill for training and special licensing of drivers who transport school children to or from school or school activities on school buses, or who transport school age children to or from school on buses.

While the department takes no position on the intent of the bill to delete training and special licensing of drivers of non-school buses transporting school age children on activity trips, we believe that school districts should provide these drivers with training in at least the following areas: pre-trip inspection, defensive driving, emergency situations, and passenger management.

  
\_\_\_\_\_  
William G. Demmert, Commissioner

Fairbanks North Star Borough  
School District

&

Interior Delegation Meeting

December 14, 1987

Interior Delegation

Sen. Jack Coghill  
Sen. Bettye Fahrenkamp  
Sen. Ken Fanning

Rep. Mark Boyer  
Rep. Mike Davis  
Rep. Steve Frank  
Rep. Niilo Koponen  
Rep. Mike Miller

Fairbanks School Board

Bonnie Brody, President

Mike Kramer  
Jerry McBeath  
Gene Reduen

Walt Schlotfeldt  
Karl Schroeder  
Andy Warwick

Tony Barnhill, Post Rep.

Mike Griffin, Base Rep.

Linda Lowery, Student Rep.

Rick Cross, Superintendent

## SCHOOL BUS DRIVERS' LICENSES

### POSITION PAPER AS 28.15.046(A)

#### I. Statutory requirement

Effective Sept 1, 1987 a person may not drive a school bus, or a bus transporting school age children, until that person has been issued a school bus driver's license.

#### II. Impact on District

Since the new licensing requirements apply to persons driving any bus transporting school age children, many more people are required to possess school bus driver's licenses than in the past. Anyone who drives school age children in a vehicle capable of transporting 11 or more students must now obtain a school bus driver's license.

This change impacts primarily the extra curricular programs of the District. It also effects the use of the District van by FAJHS staff to transport students. District activities will be impacted as follows:

1. Schools may not rent vans to transport teams to and from events unless the sponsor/driver possesses a valid school bus driver's license. This applies to renting vans in Fairbanks to drive to another town. It also applies to renting vans in Anchorage (or any other town) to travel around town after flying from Fairbanks.

This restriction on the use of vans will increase the cost of transporting teams. Teams will have to either rent smaller capacity vans, rent school buses, or arrange for sponsors to obtain bus driver's licenses. Each of those alternatives increases activity costs, possibly to the point of making it too expensive to travel out of district for certain groups.

2. Schools may no longer charter buses from common carriers (e.g. Westours, Sturgeon, etc.) unless the drivers of those motor coaches possess school bus driver's licenses. These drivers do not generally possess school bus driver licenses, so the district cannot presently use common carriers on long haul charters.

3. The FAJHS must either lower the capacity of its van (presently a 15 passenger van) to less than 10 passenger capacity, or the staff at FAJHS must obtain school bus driver's permits.

### III. Potential Solutions

The District has several options available to address the problems created by these new licensing requirements. They are as follows:

1. Hire all transportation of students to school bus contractors.
2. Arrange for all coaches/sponsors travelling with students to obtain school bus driver's permits.
3. Only rent/lease vehicles of 10 passenger or less.
4. Pursue amendment to AS 28.15.046(a) that will change the persons required to possess a school bus driver's license.

The district is presently using a combination of alternatives 1-3 in an effort to comply with the new law. This changes the way students transportation has occurred in the past, making it both more expensive and more difficult to arrange.

### IV. Recommended Solution

The alternative of amending the law should be considered. The new law, designed to standardize school bus driver training requirements, has created a new class of persons required to obtain this license. These people will probably never drive a yellow school bus, but are still required to possess a school bus driver's permit.

To suggest that only drivers of school buses should need school bus driver's licenses is not unreasonable. The District supports a change in the law that will limit the application of the statute to those drivers who actually transport students on school buses.

27.21.998

and other  
or sale and  
apter; and  
this para-  
id surface,  
e activity;  
vement or  
ty and for  
entilation  
den piles,  
air areas,  
reas upon  
materials  
y;  
"7" means  
amended;  
a permit-  
apter be-  
care. (§ 1

# Alaska Statutes

## Title 28. Motor Vehicles.

### Chapter

- 05. Administration (§§ 28.05.021, 28.05.041, 28.05.091, 28.05.141, 28.05.151)
- 10. Vehicle Registration and Title (§§ 28.10.011, 28.10.021, 28.10.041, 28.10.051, 28.10.101 — 28.10.108, 28.10.111, 28.10.121, 28.10.131, 28.10.141, 28.10.151, 28.10.181, 28.10.201, 28.10.321, 28.10.411, 28.10.421, 28.10.423, 28.10.431, 28.10.495, 28.10.502)
- 15. Drivers' Licenses (§§ 28.15.041, 28.15.046, 28.15.051, 28.15.071, 28.15.166, 28.15.171, 28.15.191, 28.15.221, 28.15.231, 28.15.271)
- 17. Commercial Driver Training Schools (§ 28.17.051)
- 20. Motor Vehicle Safety Responsibility Act (§ 28.20.440)
- 22. Motor Vehicle Liability Insurance (§§ 28.22.010, 28.22.100, 28.22.200, 28.22.600)
- 32. Commercial Motor Vehicle Safety Inspections (§§ 28.32.010 — 28.32.900)
- 33. Commercial Motor Vehicle Financial Responsibility (§ 28.33.010)
- 35. Miscellaneous Provisions (§§ 28.35.031 — 28.35.033, 28.35.045, 28.35.145, 28.35.235, 28.35.251 — 28.35.255)
- 37. Driver License Compact (§§ 28.37.010 — 28.37.040, 28.37.110 — 28.37.190)
- 40. General Provisions (§§ 28.40.050, 28.40.100)

### Chapter 05. Administration.

#### Article

- 1. Powers and Duties of Department of Public Safety (§§ 28.05.021, 28.05.041)
- 2. Vehicle Equipment Standards (§ 28.05.091)
- 3. Subpoenas, Notices and Hearings (§ 28.05.141)
- 4. Disposition of Certain Vehicle and Traffic Offenses (§ 28.05.151)

#### Article 1. Powers and Duties of Department of Public Safety.

#### Section

- 21. Commissioner to enter compacts and reciprocal agreements
- 41. Commissioner to prescribe forms, examine applications, and administer oaths

nor may the department issue the license until proper application has been made and all required driving, written, and physical examinations have been successfully completed. A license issued under this subsection expires on September 1 of the year following issuance. Application for renewal may be made by submitting to the department the results of a current physical examination and paying the required fee.

(c) A person may not drive a commercial motor vehicle until the person applies for and is issued a license for that purpose under (a) of this section. The department may not issue a license under this subsection unless the applicant is at least 19 years of age, has held a valid driver's license at least one year, and has successfully completed all required driving tests and written and physical examinations. In this subsection, "commercial motor vehicle" has the meaning given in AS 28.32.900. (§ 19 ch 178 SLA 1978; am § 2 ch 104 SLA 1985; am § 2 ch 19 SLA 1986)

**Effect of amendments.** — The 1985 amendment added subsection (c).  
The 1986 amendment deleted "school bus transporting school children, or a bus transporting school-age children or another" preceding "motor vehicle" in the first sentence of subsection (b).

**Sec. 28.15.046. Licensing of school bus drivers.** (a) In addition to the requirements of AS 28.15.041(a), a person may not drive a school bus transporting school children, or a bus transporting schoolage children until the person has applied for and has been issued a license for that purpose under this section.

(b) The department may not issue a license under this section unless the applicant

- (1) is at least 19 years of age;
- (2) has had a license to operate a motor vehicle at least one year before the date of application;
- (3) has successfully completed all required driving, written, and physical examinations;
- (4) has submitted information sufficient to complete a background check consisting of a fingerprint check of national criminal records and state criminal records of the state or states in which the applicant has resided for the past two years;
- (5) has completed a state approved school bus driver training course established under AS 14.07.020(a)(14) or has for the previous two years been licensed by the state to operate a school bus.

(c) The department may not issue a license under this section to an applicant who has been convicted of any of the following offenses within 20 years of the time of application:

- (1) sexual abuse of a minor in any degree (AS 11.41.434 — 11.41.440);
- (2) sexual assault in any degree (AS 11.41.410 or 11.41.420);

3.15.046  
ion has  
amina-  
ler this  
suance.  
depart-  
ing the  
til the  
r (2) of  
is sub-  
a valic  
ted all  
In this  
in AS  
§ 2 ch  
or an-  
in the  
dition  
rive a  
orting  
een is-  
on un-  
e year  
1, and  
round  
ecords  
licant  
course  
is two  
to an  
fenses  
34 —  
0);

§ 28.15.051

MOTOR VEHICLES

§ 28.15.051

- (3) incest (AS 11.41.450);
- (4) unlawful exploitation of a minor (AS 11.41.455);
- (5) contributing to the delinquency of a minor (AS 11.51.130);
- (6) a felony involving possession of a controlled or imitation controlled substance (AS 11.71 or AS 11.73);
- (7) a felony or misdemeanor involving distribution of a controlled or imitation controlled substance (AS 11.71 or AS 11.73);
- (8) promoting prostitution in the first or second degree (AS 11.66.110 or 11.66.120).

(d) The department may not issue a license to an applicant who has been convicted of driving while intoxicated (AS 28.35.030) within two years of the time of application or to an applicant who has two or more convictions for driving while intoxicated within 10 years of the time of application.

(e) For purposes of determining whether an applicant has been convicted of an offense listed under (c) or (d) of this section, a conviction under prior state law or in another jurisdiction of an offense having elements substantially similar to those of the offenses listed in (c) or (d) of this section is considered a conviction.

(f) Costs of conducting the background check required under (b)(4) of this section shall be paid by the applicant. A license issued under this section expires on September 1 of the year following issuance. Application for renewal may be made by submitting to the department the results of a current physical examination and paying the required fee. (§ 3 ch 19 SLA 1986)

**Sec. 28.15.051. Instruction permit, temporary driver's license and special driver's permit.** (a) Except as provided in (b) of this section, a person who is at least 14 years of age may apply to the department for an instruction permit. The department may, after the applicant has successfully passed all parts of the examination under AS 28.15.081 other than the driving test, issue to the applicant an instruction permit. The permit allows a person, while having the permit in the person's immediate possession, to drive a specified type or class of motor vehicle on a highway or vehicular way or area for a period not to exceed two years. The permittee must be accompanied by a person at least 19 years of age who has been licensed at least one year to drive the type or class of vehicle being used, who is capable of exercising control over the vehicle and who occupies a seat beside the driver, or who accompanies and immediately supervises the driver when the permittee drives a motorcycle. An instruction permit may be renewed.

(b) The department, upon receiving proper application, may issue a restricted instruction permit effective for a school year or for a more restricted period to an applicant who is at least 14 years of age and who is enrolled in a driver education program which includes practice

§ 28.10.502

transporta-

and storage  
ter 60 days  
y, has been  
or unless a  
owner and  
with the De-  
another juris-  
on it are

f 30 days in  
nsportation  
e sale. The  
y served on  
r vehicle in  
ns. If either  
notice of the  
nholders, if  
a receipt re-  
tor vehicle,  
entification  
ment of the  
whom the

on shall be  
e sale and  
n the motor  
ale shall be  
uted to the  
remaining  
sold under  
prior lien.

and storage  
on of this sen-  
let.

§ 28.15.011

MOTOR VEHICLES

§ 28.15.041

## Chapter 15. Drivers' Licenses.

### Article

1. Issuance, Expiration and Renewal of Licenses (§§ 28.15.041, 28.15.046, 28.15.051, 28.15.071)
2. Cancellation, Suspension, Revocation or Limitation of Drivers' Licenses (§§ 28.15.166, 28.15.171, 28.15.191)
3. Point System (§§ 28.15.221, 28.15.231)
4. Fees (§ 28.15.271)

### Article 1. Issuance, Expiration and Renewal of Licenses.

#### Section

41. Classification of drivers' licenses
46. Licensing of school bus drivers
51. Instruction permit, temporary

#### Section

- driver's license and special driver's permit
71. Application of minors

### Sec. 28.15.011. Drivers must be licensed.

#### NOTES TO DECISIONS

Subsection (a) construed. — The provisions of subsection (a) constitute a broad statement of the legislature's intent, in enacting the motor vehicle code, to adopt a statutory scheme that deals with the licensing of Alaska drivers in a comprehensive and uniform manner; this subsection is not a legislative commitment to the philosophical concept of an innate privilege to drive. *Roberts v. State*, Ct. App. Op. No. 478 (File No. A-342), 700 P.2d 815 (1985).

**Sec. 28.15.041. Classification of drivers' licenses.** (a) The commissioner shall provide by regulation for the classification of drivers' licenses. The regulations shall specify license classifications which are reasonably necessary for the safe operation of the various types, sizes and combinations of motor vehicles. The regulations shall also establish medical standards, standards of driving conduct and proficiency, and other standards governing the issuance, renewal, or denial of these licenses. The department may examine each applicant to determine the applicant's qualifications according to the class of license applied for, and upon issuing a driver's license the department shall indicate on the license the classification for which an applicant for a license has qualified by examination. The regulations and any subsequent modifications under this section become effective only if approved by a concurrent resolution adopted by a majority vote of each house of the legislature.

(b) A person may not drive a motor vehicle when in use for the transportation of persons for compensation until the person has applied for and has been issued a license for that purpose under (a) of this section. The department may not issue a license under this subsection unless the applicant is at least 19 years of age, has had at least one year of driving experience, and the department is satisfied as to the applicant's good character, competence and fitness to be licensed;

nor may the department issue the license until proper application has been made and all required driving, written, and physical examinations have been successfully completed. A license issued under this subsection expires on September 1 of the year following issuance. Application for renewal may be made by submitting to the department the results of a current physical examination and paying the required fee.

(c) A person may not drive a commercial motor vehicle until the person applies for and is issued a license for that purpose under (a) of this section. The department may not issue a license under this subsection unless the applicant is at least 19 years of age, has held a valid driver's license at least one year, and has successfully completed all required driving tests and written and physical examinations. In this subsection, "commercial motor vehicle" has the meaning given in AS 28.32.900. (§ 19 ch 178 SLA 1978; am § 2 ch 104 SLA 1985; am § 2 ch 19 SLA 1986)

Effect of amendments. — The 1985 amendment added subsection (c).  
The 1986 amendment deleted "school bus transporting school children, or a bus

transporting school-age children or another" preceding "motor vehicle" in the first sentence of subsection (b).

- (3) incest (
- (4) unlawf
- (5) contrib
- (6) a felon
- trolled subs
- (7) a felon
- imitation c
- (8) prom
- 11.66.110
- (d) The
- been conv
- years of tl
- conviction
- applicati
- (e) For
- victed of
- under p
- element
- (d) of t
- (f) C.

# Alaska Statutes

## Title 1. General Provisions.

### Chapter

10. Laws and Statutes (§§ 01.10.030, 01.10.055, 01.10.060, 01.10.070)

### Chapter 05. Alaska Statutes.

#### Sec. 01.05.006. Adoption of Alaska Statutes.

**Cross references.** — For exception to provision that section headings are not a part of the law, see AS 45.01.109.

#### NOTES TO DECISIONS

Cited in *Schnabel v. State*, Ct. App. Op. No. 250 (File No. 7273), 663 P.2d 960 (1983).

#### Sec. 01.05.031. Revision of statutes.

#### NOTES TO DECISIONS

Quoted in *Schnabel v. State*, Ct. App. Op. No. 250 (File No. 7273), 663 P.2d 960 (1983).

## Chapter 10. Laws and Statutes.

### Article

2. General Rules of Statutory Construction (§§ 01.10.030, 01.10.055, 01.10.060)  
3. Effect of Statutes (01.10.070)

### Article 1. Common Law.

#### Sec. 01.10.010. Applicability of common law.

#### NOTES TO DECISIONS

Quoted in *Wells v. State*, Ct. App. Op. No. 401 (File Nos. 7479, 7663), 387 P.2d 917 (1984); *Beran v. State*, Ct. App. Op. No. 506 (File Nos. A-535, A-629, A-630, A-679), 705 P.2d 1280 (1985); *Balentine v. State*, Ct. App. Op. No. 538 (File No. A-381), 707 P.2d 922 (1985); *State v. Burke*, Ct. App. Op. No. 583 (File No. A-908), 714 P.2d 374 (1986).  
Cited in *Jackson v. State*, Ct. App. Op. No. 211 (File No. 6664), 657 P.2d 405 (1983); *Stiegele v. State*, Ct. App. Op. No. 382 (File No. A-399), 685 P.2d 1255 (1984).

(10) "property" includes real and personal property;

(11) "real property" is coextensive with land, tenements, and hereditaments;

(12) "signature" or "subscription" includes the mark of a person who cannot write, with the name of that person written near the mark by a witness who writes the witness's own name near the name of the person who cannot write; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names to the sworn statement;

(13) "state" means the State of Alaska unless applied to the different parts of the United States and in the latter case it includes the District of Columbia and the territories;

(14) "writing" includes printing. (§ 4 ch 62 SLA 1962; am § 2 ch 66 SLA 1965; am § 10 ch 117 SLA 1968; am § 19 ch 74 SLA 1985)

Revisor's notes. — Reorganized in 1985 to alphabetize the defined terms. Effect of amendments. — The 1985 amendment added paragraph (4).

#### NOTES TO DECISIONS

Quoted in *Hull v. Alaska Fed. Sav. & Loan Ass'n*, Sup. Ct. Op. No. 2605 (File No. 6346), 658 P.2d 122 (1983).

#### Article 3. Effect of Statutes.

##### Section

70. Time statutes become law and take effect

**Sec. 01.10.070. Time statutes become law and take effect.** (a) All bills passed by the legislature become law upon the governor's signature or upon the governor's veto being overridden or, when the governor allows a bill to become law without signature, on the day after expiration of the period allowed for gubernatorial action by art. II, § 17 of the Alaska Constitution. Acts become effective 90 days after becoming law, unless the legislature, by concurrence of two-thirds of the membership of each house, provides for another effective date.

(b) The actual effective date of an Act having no effective-date provision is determined by starting with the day after it is signed by the governor or the day after the governor's veto is overridden or the day after expiration of the period allowed for gubernatorial action by art. II, § 17 of the Alaska Constitution, and counting 90 calendar days, the Act becoming effective at 12:01 a.m., Alaska Standard Time on the 90th day.

(c) The actual effective date and time of an Act having an immediate-effective-date provision is 12:01 a.m., Alaska Standard Time, on

70  
re-  
on  
rk  
he  
an  
rn  
he  
er-  
he  
36  
5)  
85  
a)  
s  
ne  
ay  
t.  
ys  
o-  
ve  
o-  
ne  
ay  
rt.  
s,  
on  
li-  
on

the day after it is signed by the governor or on the day after the governor's veto is overridden or on the day after expiration of the period allowed for gubernatorial action by art. II, § 17 of the Alaska Constitution.

(d) An Act which specifies a definite effective date becomes effective at 12:01 a.m., Alaska Standard Time on the date specified.

(e) When the governor allows a bill to become law without signature, the governor shall give written notice of that fact to the legislature. The date of this notice has no effect upon the date the bill becomes law nor upon the date the Act takes effect.

(f) In this section

(1) "Act" means a bill which has become law;

(2) "bill" means a legislative document proposing an Act;

(3) "becomes effective" means becomes applicable; "effective date" does not mean date of enactment (or date of becoming law), although the two will coincide when a bill which has an immediate-effective-date provision is allowed to become law without the governor's signature;

(4) "becomes law" means is enacted; "enactment" occurs when any one of the following takes place:

(A) a bill which is passed by the legislature is signed by the governor;

(B) the period specified in art. II, § 17 of the Alaska Constitution expires without gubernatorial action;

(C) the legislature overrides the governor's veto of a bill;

(5) "passed by the legislature" means that the required majority of each house of the legislature has taken final action in approving the same version of a bill. (§ 5 ch 62 SLA 1962; am § 8 ch 126 SLA 1966; am § 1 ch 115 SLA 1974; am §§ 1—3 ch 6 SLA 1984)

**Effect of amendments.** — The 1984 amendment substituted "Alaska" for "Pacific" near the end of subsection (b), near the beginning of subsection (c), and in subsection (d).

NOTES TO DECISIONS

Applied in *Atlantic Richfield Co. v. State*, Sup. Ct. Op. No. 2695 (File No. S-52), 666 P.2d 1031 (1985).

Sec. 01.10.080. Computation of time.

NOTES TO DECISIONS

Quoted in *Fairbanks N. Star Borough v. Tundra Tours, Inc.*, Sup. Ct. Op. No. 3052 (File Nos. S-524, S-554), P.2d (1986).

**CHAPTER 40.  
GENERAL PROVISIONS**

**Section**

**10. Definitions**

**13 AAC 40.010. DEFINITIONS.** In chapters 02, 04, 06, and 08 of this title, and in AS 28, unless otherwise provided

(1) "alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for use by through vehicular traffic;

(2) "arterial street" means a U.S. or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by a municipality within its respective jurisdiction as part of an interlocking system of streets or highways;

(3) "authorized emergency vehicle" means a vehicle equipped as required by 13 AAC 04.090, 095 and 210 and which is used by a publicly maintained fire or police department, airport security police, a public or private ambulance service, a vehicle of a federal agency which is designated as an emergency vehicle by that agency, or other vehicles designated by the commissioner; the term does not include a person's private vehicle equipped as provided by 13 AAC 04.100;

(4) "authorized flagman" means every person who is directing or regulating traffic as required by statute, regulation or ordinance, or by contract or agreement, and who is wearing and equipped with the warning devices set out in the Alaska Traffic Manual, published by the Department of Transportation and Public Facilities;

(5) "bicycle" means a vehicle propelled exclusively by human power upon which a person may ride, having two tandem wheels or three wheels in contact with the ground, except scooters and similar devices;

(6) "bus" means every motor vehicle designed for carrying more than 10 passengers and used primarily for the transportation of passengers, and every motor vehicle designed and used for the transportation of persons for

compensation, except a taxicab or school bus;

(7) "business district" means the territory contiguous to and including a highway, other than a controlled-access highway, when within any 600 feet along the highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, office buildings, railroad stations or public buildings other than schools which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway; however, if the highway is physically divided into two or more roadways, only those buildings facing each roadway separately may be regarded;

(8) "centerline" means the line, marked or unmarked, parallel to and approximately equidistant from the sides of a roadway or highway, or a plainly marked dividing line on a roadway between lanes of traffic traveling in opposite directions which may or may not be equidistant from the sides of the roadway or highway;

(9) "controlled-access highway" means every highway, street, or roadway where access to or from the highway is determined by the public authority having jurisdiction over the highway, street or roadway;

(10) "cowling" means the forward or rear portion of a snowmobile surrounding the motor and clutch assembly;

(11) "crosswalk" means that portion of a roadway at an intersection which is between an extension of a sidewalk which ends on the opposite side of the roadway or, in the absence of a sidewalk, that portion of the roadway which is an extension of the edge of the roadway to the opposite side of the roadway and between a parallel line 10 feet from that extension in a direction away from the intersection, except as modified by a marked crosswalk on a portion of a roadway at an intersection or elsewhere which is distinctly indicated by lines or other markings on the surface of the roadway;

(12) "dazzle" means to cause a person to lose clear vision due to the effect of a brilliantly shining light;

(45) "safety zone" means the area of space officially set apart within a roadway for the exclusive use of pedestrians, and which is protected or marked by signs which are plainly visible at the time it is used as a safety zone;

(46) "school bus" means every motor vehicle that complies with the color and identification requirements set forth in the edition of Minimum Standards for School Buses and Minimum Standards for Alaska School Buses, which is in effect on the effective date of this section, and is used to transport children to or from school or in connection with school activities; it does not include buses operated by common carriers for the urban transportation of school children;

(47) "semitrailer" means a vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property, drawn by a motor vehicle, and constructed so that part of its weight rests upon or is carried by another vehicle;

(48) "sidewalk" means that portion of a street between the curblines or the lateral lines of a roadway and the adjacent property lines, and intended for use by pedestrians;

(49) "snowmobile" means a motor vehicle designed to travel over ice or snow, and supported in part by skis, belts, cleats, or low-pressure tires;

(50) "solid rubber tire" means a tire of rubber or other resilient material which does not depend upon compressed air for the support of the load;

(51) "specially constructed vehicle" means a vehicle required to be registered under AS 28.10, which is not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and which is not materially altered from its original construction;

(52) "special mobile equipment" means a vehicle which is not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to ditch digging apparatus, well boring apparatus,

construction and maintenance equipment, as asphalt spreaders, graders, compactors, loaders, tractors, trenchers, ditchers, leveling machines, motor graders, rollers, earthmoving carriers, shovels and drag lines, and earthmoving equipment, house trailers, mobile vehicles, dump trucks, mixers, cranes, or other vehicles designed for the transportation of property to which mail

(53) "stand" or "standstill" means the stopping of a vehicle, whether temporary or permanent, for the purpose of actually engaged in the transportation of passengers;

(54) "stop" or "stoppage" means the cessation from movement of a vehicle momentarily, of a vehicle which is not, except when necessary, to proceed in the same direction or a portion of a highway, sign or signal;

(55) "street" means a highway as defined in AS 28;

(56) "through highway" means that portion of highway which has preferential right-of-way over other highways, which vehicles traveling on such highways is required to give obedience to a sign or signal of an official traffic-control device;

(57) "tow car" means a motor vehicle which is equipped for the purpose of towing a crane, hoist, or other equipment and is used primarily for the purpose of rendering assistance to other vehicles;

(58) "trailer" means a vehicle without motive power, designed for the transportation of persons or property, drawn by a motor vehicle, and which is not a semitrailer;

(59) "transportation" means the business of delivering

vehicle  
and  
designated  
of ident  
an en  
by its  
department  
another juris  
wrecked  
to disable  
to be used for it  
repair  
70)

8/27/87

STATE OF ALASKA  
DEPARTMENT OF EDUCATION

Regulations on School Bus Driver Training  
DRAFT

The following regulations were adopted by the State Board of Education at its regular meeting held on August 17, 1987:

4 AAC 27 is amended by adding new sections to read:

4 AAC 27.200. APPROVED SCHOOL BUS DRIVER TRAINING COURSES. (a) Upon application by a district on forms prescribed by the department, the department may approve a school bus driver training course that is required by a pupil transportation contract which was awarded pursuant to 4 AAC 27.085. Courses approved under this subsection are approved until the expiration of the transportation contract under which the approval was made.

(b) Upon application on forms prescribed by the department and until June 30, 1988, the department may approve a school bus driver training course which includes at least 10 hours of training in the following subjects: pre-trip inspection; seat and mirror adjustment; defensive driving; driving skills; loading and unloading procedures; student management; and safety and emergency procedures. Courses approved under this subsection are approved until June 30, 1988 unless otherwise authorized in writing by the department.

(c) Upon application on forms prescribed by the department, the department may approve a school bus driver training course that:

(1) is conducted by a school bus driver training instructor certified under 4 AAC 27.210;

(2) meets the minimum standard training requirements of 4 AAC 27.220; and

(3) except as otherwise authorized in writing, by the department, follows the Minimum Course Content for Pre-Service Training of Alaska School Bus Drivers, 1987 Edition, issued by the department.

(d) Courses approved under subsection (c) are approved for a period of three years.

4 AAC 27.210. CERTIFICATION OF INSTRUCTORS. (a) The department will certify a person holding a school bus driver permit as a school bus driver training instructor if the person:

(1) has a minimum of two years' school bus driving experience; and

(2) satisfactorily completes a school bus driver training instructor certification program conducted by the department.

(b) A school bus driver training instructor certificate issued under (a) of this section expires three years from the date of issuance or whenever the holder fails to continue to hold a school bus driver permit, whichever comes first.

(c) A certificate issued under (a) of this section may be renewed any number of times if the holder submits an application on a form prescribed by the department and

(1) has conducted at least one state approved training course annually during the life of the certificate; or

(2) has prior approval of the department to enter and satisfactorily completes a school bus driver training instructor refresher program conducted by the department.

**4 AAC 27.220. MINIMUM STANDARDS FOR SCHOOL BUS DRIVER TRAINING COURSES.** (a) In order for a person to be certified by a department approved instructor as having met the requirements of a school bus driver training course approved under 4 AAC 27.200(c), the person must successfully:

- (1) identify the major mechanical component parts of a school bus;
- (2) complete a pre-trip inspection of a school bus;
- (3) adjust the driver's seat of a school bus so that all controls can be reached easily;
- (4) adjust the mirrors of a school bus for optimum visibility;
- (5) demonstrate starting and stopping the bus smoothly using proper coordination of accelerator, clutch where applicable, and brakes;
- (6) stop a school bus a specified distance from another object or point using over the hood, rear and curb reference points;
- (7) where applicable, shift gears on a moving school bus in a manner which provides a safe ride to passengers and avoids damage and unnecessary wear to the bus components;
- (8) where applicable, demonstrate the use of shifting in slowing and stopping the bus;
- (9) turn a corner in a school bus while keeping the bus in the correct lane of traffic;
- (10) back up a school bus in a straight line, and turn the bus around by backing into a side street under conditions of both ample and limited space;
- (11) explain and demonstrate defensive driving skills which may help prevent accidents in school buses in spite of incorrect actions of others;
- (12) demonstrate procedures for properly loading and unloading students;
- (13) explain techniques for managing the behavior of pupils on a school bus in a positive way;

- (14) explain proper actions to take during driving emergencies;
- (15) locate and explain how to use emergency equipment found on school buses;
- (16) explain and demonstrate procedures for safely positioning a school bus on a road after a mechanical breakdown or emergency situation;
- (17) demonstrate procedures for safely evacuating passengers of a school bus; and
- (18) demonstrate procedures for properly crossing railroad tracks in a school bus.

**4 AAC 27.230. ISSUANCE OF SCHOOL BUS DRIVER CERTIFICATES; RECORDKEEPING REQUIREMENTS.** (a) An instructor certified under 4 AAC 27.210 may issue a certificate certifying that a person has completed a state approved school bus training course under AS 14.07.020(a)(14) only if the person has completed a course approved under 4 AAC 27.200 using the Minimum Course Content for Pre-Service Training of Alaska School Bus Drivers, 1987 Edition, issued by the department, and has demonstrated to the instructor's satisfaction that the driver has met each of the minimum standards set forth in 4 AAC 27.220.,

(b) An instructor must keep records available for inspection by the department for a period of three years for each person to whom he or she has given instruction in school bus driving indicating:

(1) the objectives on which training was given, including when the training was given, and the amount of training given on each objective; and

(2) evaluation sheets, dated and signed by the instructor and driver, documenting that the driver has met each of the minimum standards set forth in 4 AAC 27.220.

(c) The instructor must furnish a duplicate of each certificate issued under (a) of this section to the department within 5 days of its issuance.

**4 AAC 27.240. REVOCATION OF INSTRUCTOR CERTIFICATE.** A certificate issued under 4 AAC 27.210 may be revoked for the following reasons:

- (a) fraudulent certification of training;
- (b) failure to follow department regulations and instructions concerning school bus driver training;
- (c) negligence in driving or instructional techniques;
- (d) revocation of school bus driver permit;
- (e) failure to properly document training as required by 4 AAC 27.230; or
- (f) willful failure to submit duplicate certificate to the department as required by 4 AAC 27.230.

# KENAI PENINSULA BOROUGH SCHOOL DISTRICT

148 North Binkley Street • Soldotna, AK 99669 • Phone 907/262-5846



February 10, 1988

Representative Bette Cato  
House of Representatives  
P.O. Box V  
Juneau, AK 99811

Dear Representative Cato:

I am corresponding with you in regard to two items:

1. Licensure of occupational therapists.
2. Necessity to hold a school bus driver's license to operate a school van.

Licensure of occupational therapists. There has been considerable confusion regarding this issue. You will recall that this item was before the legislature last year. It is our belief that an occupational therapist need not hold a license from the state in order to provide occupational therapy services to school children in an educational setting. They simply must hold state certification through the Department of Education. HB 368 clarifies this situation and clearly exempts school employed occupational therapists from a requirement of holding licensure from the State of Alaska. We support this provision and encourage your passage of this amendment.

School bus drivers license. Again, there has been confusion regarding this item. There have been various interpretations as to what type of requirements must be met by individuals who drive school vans to transport youngsters for extracurricular activities. HB 397 and SB 375 address this issue. We encourage your passage of SB 375 and HB 397 if amended to 19 feet. These bills would clearly stipulate that it is not necessary for a person to hold a "school bus driver's license" in order to operate a school van transporting youngsters for extracurricular activities.

Thank you for your attention to these items as they come before you.

Sincerely,

A handwritten signature in cursive script that reads "Fred".

Fred Pomeroy  
Superintendent

bj

Original sponsors: Cato and Frank

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 397 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to licensing of school bus drivers;  
7 and providing for an effective date."

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

9 \* Section 1. AS 28.15.046(a) is amended to read:

10 (a) In addition to the requirements of AS 28.15.041(a), a person  
11 may not drive a school bus transporting school children to or from  
12 school to enable them to participate in class or a school activity, or  
13 a bus transporting school [SCHOOL-AGE] children to or from school for  
14 classroom studies until the person has applied for and has been issued  
15 a license for that purpose under this section. This subsection does  
16 not apply to a person or a motor vehicle exempted under regulations  
17 adopted by the commissioner.

18 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

HOUSE BILL 397

GOOD AFTERNOON. I AM HERE TODAY TO EXPLAIN MY REASONS FOR INTRODUCING HB 397 AND PROVIDE YOU WITH SOME BACKGROUND AND CONCERNS IN THE AREA OF SCHOOL BUS DRIVER LICENSING.

IN 1986 THE LEGISLATURE PASSED HB 409 WHICH WAS SIGNED INTO LAW BY THE GOVERNOR APRIL 30, 1986.

HB 409 IMPOSED STRICTER REQUIREMENTS ON SCHOOL BUS DRIVERS TO HELP ENSURE THE SAFETY OF OUR CHILDREN. THE NEW LAW REQUIRES ALL SCHOOL BUS DRIVERS TO BE ISSUED A SCHOOL BUS DRIVER'S LICENSE. IN ORDER TO OBTAIN THIS LICENSE, DRIVERS MUST COMPLETE A SCREENING PROCESS WHICH INCLUDES A BACKGROUND CHECK, FINGERPRINTING PROCESS TO IDENTIFY SEXUAL OFFENDERS AND DWI OFFENDERS, THE BILL ALSO REQUIRES ALL DRIVERS TO COMPLETE A 40 HOUR TRAINING PROGRAM.

WHILE I STRONGLY SUPPORT THESE REQUIREMENTS, I HAVE INTRODUCED HB 397 TO MORE CLEARLY DEFINE THE SEVERAL AREAS OF CONCERN WITH THE CURRENT REGULATIONS.

THE EXISTING LICENSING REQUIREMENTS APPLIES TO PERSONS DRIVING A "BUS TRANSPORTING SCHOOL AGE CHILDREN". WHILE THIS LANGUAGE WAS DESIGNED TO ENSURE THAT ALL PERSONS, INCLUDING VOLUNTEERS, WHO TRANSPORT CHILDREN TO AND FROM SCHOOL MEET THE

NEW LICENSING REQUIREMENT. IT ALSO UNINTENTIONALLY INCLUDED MANY ORGANIZATIONS AND GROUPS SUCH AS GIRLS AND BOYS CLUBS, WHO USE PARENTS AND CHAPERONES TO TRANSPORT CHILDREN TO EVENTS. SCHOOL DISTRICTS HAVE EXPRESSED FRUSTRATIONS BY THE REQUIREMENT FOR SCHOOL COACHES TO OBTAIN A SCHOOL BUS DRIVERS LICENSE TO TRANSPORT A TEAM (debate) TEAM TO AN EVENT.

HB 397 MORE CLEARLY DEFINES THIS 'GREY' AREA.

SECTION 1. LINE 11 STATES: A PERSON MAY NOT DRIVE A SCHOOL BUS TRANSPORTING SCHOOL CHILDREN TO OR FROM SCHOOL TO ENABLE THEM TO PARTICIPATE IN CLASS OR SCHOOL ACTIVITY, OR A BUS TRANSPORTING SCHOOL CHILDREN TO OR FROM SCHOOL FOR CLASSROOM STUDIES;

A SCHOOL BUS IS DEFINED AS EVERY MOTOR VEHICLE THAT COMPLIES WITH THE COLOR AND IDENTIFICATION REQUIREMENTS SET FORTH IN THE MINIMUM STANDARDS FOR SCHOOL BUSES AND IS USED TO TRANSPORT CHILDREN TO OR FROM SCHOOL OR IN CONNECTION WITH SCHOOL ACTIVITIES. THEREFORE, ANY PERSON DRIVING A SCHOOL BUS (MANY OF YOU HAVE SEEN THE YELLOW AND BLACK BUSES WITH THE WARNING LIGHTS) TO OR FROM SCHOOL FOR CLASS OR "SCHOOL' ACTIVITY" WOULD BE REQUIRE TO HAVE THIS LICENSE. THIS WOULD INCLUDE 'ANY ACTIVITY' THAT THE SCHOOL WAS INVOLVED WITH.

IN ORDER TO MORE CLEARLY UNDERSTAND THIS BILL, ONE POINT SHOULD BE NOTED, THE TERM SCHOOL BUS HAS A DIFFERENT DEFININATION THAN THE WORD BUS AS DEFINED BY THE DEPARTMENT OF PUBLIC SAFETY.

LINE 13 STATES: ANY PERSON DRIVING A BUS TRANSPORTING SCHOOL CHILDREN TO OR FROM SCHOOL FOR CLASSROOM STUDIES.

A BUS IS DEFINED AS EVERY MOTOR VEHICLE DESIGNED FOR CARRYING MORE THAN 10 PASSENGERS AND USED PRIMARILY USED FOR TRANSPORTING OF PASSENGERS. IN THIS SECTION A DRIVER WOULD BE REQUIRED TO HAVE A SCHOOL BUS DRIVERS LICENSE IF HE/SHE WERE DRIVING A BUS (VAN) TRANSPORTATING 10 PASSENGERS OR MORE AND THESE PASSENGERS WERE BE TRANSPORTED TO OR FROM SCHOOL FOR CLASSROOM STUDIES.

THIS WOULD NOT INCLUDE ANY PERSON TRANSPORTING SCHOOL CHILDREN IN A BUS/VAN TO SCHOOL ACTIVITIES OTHER THAN CLASSROOM STUDIES. THIS WOULD ALLOW A PARENT/CHAPERONE TO TRANSPORT A SMALL BUS/VAN OF CHILDREN TO A PLAY OR CONCERT ETC. WITHOUT THE FRUSTRATION OF THE LICENSING REQUIREMENT. IT WOULD ALSO ALLOW A PERSON TO TRANSPORT THE GIRLS SCOUT OR THE BOY SCOUTS TO A COOKOUT OR OTHER FUNCTION WITHOUT THIS LICENSING REQUIREMENT IMPAIRING THIS TRIP.

SB 375:

SB 375 CORRECTS A PROBLEM CREATED IN 1986 WHEN THE LEGISLATURE IMPOSED STRICTER REQUIREMENTS FOR SCHOOL BUS DRIVERS, AND THE ENSUING REGULATIONS ENCOMPASSED ALL VAN DRIVERS REGARDLESS OF THE PURPOSE OF TRANSPORTATION OF CHILDREN. MANY SCHOOL DISTRICTS ARE ADVERSELY AFFECTED, PARTICULARLY IN SMALLER COMMUNITIES AS THOSE SCHOOLS FREQUENTLY USE "SCHOOL ACTIVITY VANS" DRIVEN BY A VARIETY OF STAFF, COACHES OR TEACHERS. TO COMPLY, ALL WOULD HAVE TO UNDERGO THE TRAINING AND OTHER REQUIREMENTS WHICH CAN BE COSTLY TO THESE DISTRICTS.

"BUS" IS DEFINED IN EXISTING DEPARTMENT OF PUBLIC SAFETY REGULATIONS 13 AAC 40.010 (6): "BUS" MEANS "EVERY MOTOR VEHICLE DESIGNED FOR CARRYING MORE THAN 10 PASSENGERS AND USED PRIMARILY FOR THE TRANSPORTATION OF PASSENGERS, AND EVERY MOTOR VEHICLE DESIGNED AND USED FOR THE TRANSPORTATION OF PERSONS FOR COMPENSATION, EXCEPT A TAXICAB OR SCHOOL BUS."

BY THAT DEFINITION, CURRENT LAW REQUIRES THAT A DRIVER OF A VAN DESIGNED TO CARRY MORE THAN TEN PASSENGERS MUST POSSESS A SCHOOL BUS DRIVER'S LICENSE. IN ORDER TO COMPLY, THE DRIVER MUST COMPLETE A STATE APPROVED SCHOOL BUS DRIVER TRAINING COURSE; SUPPLY DPS WITH SUFFICIENT INFORMATION TO COMPLETE A NATIONAL CRIMINAL RECORDS CHECK AND BACKGROUND

CHECK; PASS A WRITTEN AND ROAD EXAM AND UNDERGO A PHYSICAL EXAMINATION.

SB 375 MORE CLEARLY DEFINES THAT SCHOOL BUS DRIVER'S LICENSES ARE REQUIRED ONLY WHEN TRANSPORTING CHILDREN TO AND FROM SCHOOL, OR WHEN A "SCHOOL BUS" IS BEING USED TO TRANSPORT CHILDREN TO AND FROM SCHOOL. ALL OTHERS WOULD NOT BE REQUIRED TO OBTAIN A "SCHOOL BUS " DRIVER'S LICENSE.

CS SB 375 (RULES) ADDS MINOR CHANGES WHICH FURTHER CLARIFY WHICH DRIVERS ARE AFFECTED BY REPLACING "SCHOOL-AGE" WITH "SCHOOL", AND BY PROVIDING A DEFINITION OF "CLASSROOM STUDIES."



GIRL SCOUTS

Farthest North  
Girl Scout Council, Inc.  
946 Cowles, Suite 210  
Fairbanks, Alaska 99701  
(907) 456-4782

February 10, 1988

Senator Bettye Fahrenkamp  
515 7th Avenue Room 130  
Fairbanks, Alaska 99701

Dear Senator Fahrenkamp;

The Farthest North Girl Scout Council supports Senate Bill 375.

The Council owns a twelve passenger van which is used extensively in our program delivery i.e.; resident camp, day camp, canoe trips. In the past we had been able to loan our van to Girl Scout leaders for transporting their troops to special outings. However, the law which requires a bus driver's license, made it impossible for our volunteer leaders to borrow the van. Programs have and will continue to be changed or deleted if vans transporting children require a bus driver's license.

Thank you for introducing this bill. Please convey our concern on these issues to the committees working on this issue.

Sincerely,

A handwritten signature in cursive script that reads "Janice M. Jenitis".

Janice M. Jenitis  
Executive Director

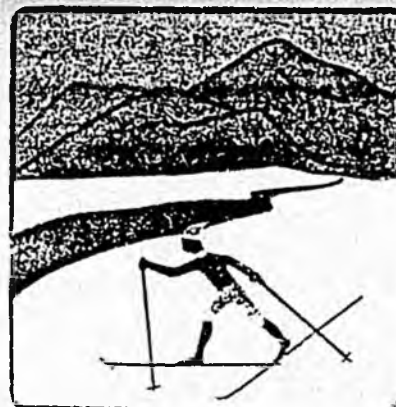
cc:LK/njk

# SALCHA SKI CLUB

P.O. Box 140055

Salcha, Alaska 99714

(907) 488-3987 or 488-3012



February 10, 1988

Senator Bettye Fahrenkamp  
Alaska State Senate  
P.O. Box V  
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

I am writing to express the complete support of our organization (all 114 members) for your Senate Bill 375. This bill will remedy the transportation problems caused by current regulations which have forced us to leave behind team members who would ordinarily have travelled with us to ski races in Anchorage.

As an organization on a limited budget, run completely by volunteer help, we do not have the time or financial resources to obtain school bus driver's licenses for our drivers. Nor do we think that such licensing would improve the quality or safety-consciousness of our drivers.

Would you please pass along this letter to other members of the senate and also the Department of Transportation so that they will know of our problems with current regulations and our support for your Senate Bill 375. Thank you.

Sincerely,

*James F. Ostlind*

James F. Ostlind, Executive Director  
Salcha Ski Club

FEB 19 1988



P.O. BOX 2580, SOLDOTNA, AK 99669, (907) 262-1811  
HOMER TERMINAL: 276 OLSON LANE, HOMER, AK 99803, (907) 235-8165

FEB. 12, 1988

REPRESENTATIVE BETTY CATO,

THE SCHOOL BUS DRIVERS OF THE KENAI/NIKISKI AREAS ARE EXPOSED DAILY TO SAFE AND NOT SO SAFE CONDITIONS AROUND OUR PUBLIC SCHOOLS. AS A RESULT OF THAT EXPOSURE, WE WISH TO ADDRESS SOME AREAS WHERE POTENTIAL DANGER EXISTS. NIKISKI ELEMENTARY, KENAI CENTRAL HIGH SCHOOL, KENAI JUNIOR HIGH SCHOOL AND MOUNTAIN VIEW ELEMENTARY ARE LOCATED ALONG A HIGH TRAFFIC HIGHWAY WHERE SPEED (55MPH) AND SCHOOL BUSES HAVE TO MIX. OUR OBSERVATIONS AND CALLS FROM THE GENERAL PUBLIC CONFIRM OUR OPINION THAT THE INSTALLATION OF SCHOOL ZONE "FLASHING YELLOW" SIGNALS WOULD BEST SERVE OUR COMMUNITY SCHOOL AGE CHILDREN.

OUR BASIC PROBLEM STEMS FROM HAVING TO ENTER THE FLOW OF TRAFFIC FROM A DEAD STOP, CROSSING A FAST MOVING LINE OF TRAFFIC AND DOING THIS WITHOUT INTERFERING WITH TRAFFIC FLOW. "SCHOOL ZONE.. 20MPH WHEN CHILDREN ARE PRESENT" SIGNS ADDS LIMITATION FOR TRAFFIC SPEED, BUT ONLY WHEN CHILDREN ARE PRESENT ALONG THE ROADSIDE OR CROSSING THE ROADWAY. THIS IS IMPORTANT OF COURSE BUT A 35' BUS (ON A ICY ROAD SURFACE) FILLED WITH UP TO 72 CHILDREN, FINDS IT ALMOST IMPOSSIBLE TO BLEND WITH 55 MPH TRAFFIC. AS WE ENTER THE TRAFFIC, WE MUST CHANCE THE SAFETY OF OUR STUDENTS, OTHER MOTORIST AND OURSELVES BECAUSE OF LOST TRACTION WHICH MAKES FOR A SLOW START AND POOR ACCELERATION.

ONLY WHEN THESE FLASHING YELLOW SIGNALS ARE IN PLACE DO WE FIND THE ABSENCE OF HIGH SPEED AND THE PRESENCE OF MOTORIST SHOWING MORE CONCERN FOR LAW, BUSES AND SAFETY IN GENERAL.

NIKISKI ELEMENTARY SCHOOL NEEDS THE INSTALLATION OF STREET LIGHTS ON THE ENTRANCE AND EXIT OF THE SCHOOL. AS THIS SCHOOL IS LOCATED ON A CURVE IN THE HIGHWAY, WE HAVE WITNESSED MANY "CLOSE CALLS" OF HEAD ON COLLISIONS, SIDESWIPES AND SKIDDING. PROPER LIGHTING WILL ASSIST IN WARNING MOTORIST OF THE SCHOOL AREA, ILLUMINATE WALKING AND BIKE RIDING STUDENTS AND MAKE SLOW MOVING VEHICLES MORE VISABLE.

EACH YEAR WE ALSO EXPERIENCE 'HEART-FAILING' MOMENTS WHEN WE ARE FORCED TO DRIVE OUR BUSES DOWN A ROADWAY BESIDE BIKE RIDING STUDENTS ENROUTE TO SCHOOL. THIS PRACTICE (IN THE ABSENCE OF BIKE PATHS) HAS CAUSED MANY DRIVERS TO QUESTION THEIR EMPLOYMENT AS A SCHOOL BUS DRIVER.

IF YOU CAN ASSIST OUR COMMUNITY BY LENDING YOUR SUPPORT TO THE MATTERS MENTIONED ABOVE WE THANK YOU AND WILL CONTINUE OUR COMBINED EFFORT TO PROVIDE THE MOST ACCIDENT FREE ENVIRONMENT FOR OUR CHILDREN.

SINCERELY YOURS,

TED CARMICHAEL

A handwritten signature in cursive script that reads "Ted Carmichael".

(7)

# HOUSE COMMITTEE REPORT

Date referred: 1/27/88

FURTHER REFERRALS:

State Affairs

DATE: February 19, 1988

The Transportation Committee has considered HB 397

"An Act relating to licensing of school bus drivers."

**RECOMMENDS:**

- replace with CS HB 397 (TRSD)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

*Heinrich Spruyt*  
 \_\_\_\_\_  
*Mike Hill*  
 \_\_\_\_\_  
*Steve Lodiger*  
 \_\_\_\_\_  
*Bill Huls*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SIGNING OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*Heinrich Spruyt*  
 \_\_\_\_\_  
 Chairman's signature



```

*****
*
* DELIVER TO: LHSCTRA
*
* ORIGINAL
* SENT: 02/19/88 TIME: 14:08
* FROM: LTCCFBX
* SUBJECT: HTRAN;FS;SCH BUS;2-19-88
* PRINT DATE: 02/19/88 TIME: 14:57
*
*****

```

\*\*\*\*\*FINAL STATS\*\*\*\*\*

```

DATE:    __FEBRUARY 19, 1988__
SITE:    __FAIRBANKS__
SPONSOR: __HOUSE TRANSPORTATION__
SUBJECT: __LICENSING OF SCHOOL BUS DRIVERS__
MODERATOR: __FRAN__

```

```

*****
TESTIFY:
NAME\REPRESENTING      ADDRESS                      PHONE #
1.) BOB SHEFCHIK      578 CANOR ROAD,N.F.,99705   452-2000

```

```

*****
OBSERVE:
NAME\REPRESENTING      ADDRESS                      PHONE #
1.) JO SWARNER - AIDE TO SEN. FAHRENKAMP

```

```

*****
TESTIFIED___1___      TIME START__1:35 P.M.__
OBSERVED___1___      TIME END___1:55 P.M.__
TOTAL_____2_____

```

Walt Fawcett

STEVE COWPER, GOVERNOR

**DEPARTMENT OF EDUCATION**

OFFICE OF THE COMMISSIONER

GOLDBELT PLACE  
801 WEST 10th STREET  
POUCH F  
JUNEAU, ALASKA 99811

March 18, 1988

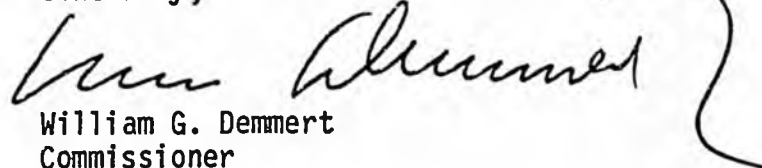
The Honorable Bettye Fahrenkamp  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

As sponsor of SB 375, An Act Relating to Licensing School Bus Drivers, I wanted to let you know that a concern has been raised regarding availability of training for drivers of school buses transporting children to and from private schools. I would appreciate your sharing the following information with House members:

1. Training programs are available to private schools. A private school may apply directly to the Department of Education for approval of a program, or may enroll drivers in other programs already approved by the department.
2. Approved programs exist in many locations in the state. A list of programs is attached. At least two private schools in Anchorage - Anchorage Christian Schools and Abbott Loop Christian School - have applied for and received approval of programs. Additionally, Harvester Christian Academy sent a trainer to the state sponsored school bus driver instructor workshop last year.
3. School bus contractor training programs are open to private school drivers. Tundra Tours, Inc. of Mat-Su Valley, TMS of Anchorage, Fairbanks and Kodiak, and Laidlaw Transit, Inc. of Anchorage are examples of companies that will train private school drivers.
4. The state is developing a plan to reimburse private schools for a reasonable registration fee if a school bus driver successfully completes an approved training program.

Sincerely,

  
William G. Demmert  
Commissioner

Attachment

# Alaska State Legislature

SENATOR BETTYE FAHRENKAMP  
CHAIRMAN, LEGISLATIVE COUNCIL  
CHAIRMAN, OIL AND GAS COMMITTEE  
515 7TH AVENUE, SUITE 130  
FAIRBANKS, ALASKA 99701  
OFFICE (907) 452-4882  
HOME (907) 456-2899



WHILE IN JUNEAU  
P.O. BOX V  
JUNEAU, ALASKA 99811  
CAPITOL ROOM 125  
OFFICE (907) 465-3834  
HOME (907) 780-6027

## Senate

To: All Representatives  
From: Senator Bettye Fahrenkamp  
Date: March 17, 1988  
Re: CS SB 375 (Rules), An Act Relating to School Bus Licensing

SB 375 corrects a problem created in 1986 when the legislature imposed stricter requirements for school bus drivers and the ensuing regulations encompassed all van drivers regardless of the purpose of transportation of children. Many school districts are adversely affected, particularly in smaller communities as those schools frequently use "school activity vans" driven by a variety of staff, coaches or teachers. To comply, all would have to undergo the training and other requirements which can be costly to these districts.

"Bus" is defined in existing Department of Public Safety regulations 13 AAC 40.010 (6): "bus" means "every motor vehicle designed for carrying more than 10 passengers and used primarily for the transportation of passengers, and every motor vehicle designed and used for the transportation of persons for compensation, except a taxicab or school bus".

By that definition, current law requires that a driver of a van designed to carry more than ten passengers must possess a school bus driver's license. In order to comply, the driver must complete a state approved school bus driver training course; supply DPS with sufficient information to complete national criminal records check and background check; pass a written and road exam and undergo a physical examination.

SB 375 more clearly defines that school bus driver's licenses are required only when transporting children to and from school, or when a "school bus" is being used to transport children to and from school. All others would not be required to obtain a "school bus" driver's license.

CS SB 375 (Rules) adds minor changes which further clarify which drivers are affected by replacing "school-age" with "school", and by providing a definition of "classroom studies".