



LAWS OF ALASKA

1990

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Chapter No.

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AN ACT

Relating to school bus safety and the wages and licensing of school bus drivers; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: March 7, 1990
Actual Effective Date: Section 5 takes effect January 1, 1991;
remainder of Act takes effect September 1, 1990

AN ACT

Relating to school bus safety and the wages and licensing
of school bus drivers; and providing for an effective date.

* Section 1. SHORT TITLE. This Act may be known as the Alaska School
Bus Safety Act.

* Sec. 2. AS 23.10.055(5) is amended to read:

(5) an individual employed by the United States or by the
state or political subdivision of the state, except as provided in
AS 23.10.065(b), including prisoners not on furlough detained or
confined in prison facilities;

* Sec. 3. AS 23.10.065 is amended to read:

Sec. 23.10.065. MINIMUM WAGES. Except as provided under (b) of
this section, an [AN] employer shall pay to each employee wages at a
rate of not less than 50 cents an hour greater than the prevailing
Federal Minimum Wage Law [OR \$2.60 AN HOUR, WHICHEVER IS GREATER,] for
hours worked in a pay period, whether the work is measured by time,
piece, commission or otherwise. An employer may not apply tips or
gratuities bestowed upon employees as a credit toward payment of the
minimum hourly wage required by this section. Tip credit as defined
by the Fair Labor Standards Act of 1938 as amended does not apply to
the minimum wage established by this section.

* Sec. 4. AS 23.10.065 is amended by adding new subsections to read:

(b) Subject to the limitation under (c) of this section, an

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1 employer shall pay to each person employed as a public school bus
2 driver wages at a rate of not less than two times the minimum wage
3 established under (a) of this section, for hours worked in a pay
4 period, whether work is measured by time, commission, or otherwise.
5 An employer may not apply fringe benefits as a credit toward payment
6 of the minimum wage established under this subsection.

7 (c) Notwithstanding (b) of this section, an employer who con-
8 tracts with the Department of Education, a school district, or a
9 regional educational attendance area to provide school bus transporta-
10 tion services is not required to adjust school bus driver wages under
11 (b) of this section, except when entering into or renewing the con-
12 tract.

13 * Sec. 5. AS 28.05 is amended by adding a new section to article 2 to

14 read:

15 Sec. 28.05.104. SCHOOL BUSES. (a) Each school district or
16 regional educational attendance area shall

17 (1) provide instruction on safe boarding, riding, exiting,
18 and emergency procedures to school children transported to or from a
19 public school by school bus;

20 (2) provide instruction to drivers and passengers on the
21 proper use of seat belts, if school children in the district or area
22 are transported in buses equipped with seat belts; and

23 (3) conduct at least three drills each school year in safe
24 boarding, exiting, and emergency procedures; one drill must be con-
25 ducted during the first three weeks of the school term.

26 (b) The Department of Education, in coordination with the De-
27 partment of Public Safety, shall

28 (1) establish equipment requirements for each type of
29 school bus that is used to transport school children to or from a
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1 public school; equipment requirements must include interior flamabil-
2 ity standards, number and location of emergency exits, seat-back
3 height and padding requirements, and seat belt standards;

4 (2) at least twice each calendar year, inspect each school
5 bus for compliance with this subsection; and

6 (3) maintain a record of each accident involving a school
7 bus or other vehicle transporting school children that is owned,
8 leased, or provided under contract to a school district or regional
9 educational attendance area; the record must include the date of the
10 accident, a list of persons injured, whether the person's injury
11 occurred within the school bus, and each type of injury.

12 * Sec. 6. AS 28.15.046(b) is amended to read:

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

15 (1) is at least 21 [19] years of age;

16 (2) has had a license to operate a motor vehicle at least
17 three years [ONE YEAR] before the date of application;

18 (3) has successfully completed all required driving, writ-
19 ten, and physical examinations;

20 (4) has submitted information sufficient to complete a
21 background check consisting of a fingerprint check of national crimi-
22 nal records and state criminal records of the state or states in which
23 the applicant has resided for the past two years;

24 (5) has completed a state approved school bus driver train-
25 ing course established under AS 14.07.020(a)(14) or has for the previ-
26 ous two years been licensed by the state to operate a school bus.

27 * Sec. 7. EXCEPTION FOR THOSE 19 YEARS OF AGE OR OLDER AS OF JANUARY 1,
28 1990. Notwithstanding AS 28.15.046(b)(1), as amended in sec 6 of this Act,
29 a person who is 19 years of age or older as of January 1, 1990, may be
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1 licensed as a school bus driver, if the person is otherwise qualified under
2 AS 28.15.046.

3 * Sec. 8. REPORT. The Department of Education shall report to the
4 legislature by February 15, 1991, on the steps taken to implement AS 28.-
5 05.104, added by sec. 5 of this Act, by school districts, regional educa-
6 tional attendance areas, and the Department of Education.

7 * Sec. 9. Section 5 of this Act takes effect January 1, 1991.

8 * Sec. 10. Except for sec. 5, this Act takes effect September 1, 1990.
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