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Linda McCulloch
Superintendent

April 15, 2005

To: School Bus Drivers, Transportation Directors, School District Clerks, School District Administration, County Superintendents, Head Start Directors, School Bus Contractors

From: Maxine Mougeot
State Director of Pupil Transportation

Re: Annual MAPT Conference
"S" Endorsement Requirements
New Language for Stop Arm Violations – Senate Bill 487

1. The **annual MAPT Conference** will be held in Hamilton this year. Matt Schultz and the Hamilton Public Schools are extending an invitation to all Montana school bus drivers to participate in this extraordinary driver training opportunity. The conference will be held June 22, 23, 24, 2005. The agenda is filled with quality topics that will help each driver be the best that they can be.

Enclosed with this mailing are conference and motel information. There is also the conference registration form which needs to be completed and sent in to Betty Kunkle at the Cascade County Superintendent's Office by June 1 to receive the discounted early registration fee of \$75. This is an excellent opportunity for all school bus drivers to complete the 10 hour annual training requirement for the next school year. For information regarding the conference, please call Betty at (406) 454-6776. Betty's e-mail address is schools@co.cascade.mt.us.

2. Effective September 30, 2005 there are several changes to the **Commercial Driver's License (CDL)** requirements. These changes will have an impact on school bus drivers or anyone else who drives a school bus including; activity drivers, mechanics, any district or contracted personnel, sales people or any person that would drive an empty school bus for maintenance or any other purpose. Prior to that date, a driver must have at least an intra-state CDL rated for the weight of the vehicle driven and a "P" (passenger) endorsement to be able to transport passengers. The national requirement is that these drivers will now have to have an "S" (school bus) endorsement to be able to driver a school bus. If a driver operates a yellow route bus, that driver will be required to have an "S" and a "P" endorsement. If a driver transports passengers for activity trips in a commercial vehicle other then a school bus that driver would be required to have a "P" endorsement.

All drivers must study for, take and pass a 20 question written test conducted by the Department of Justice (DOJ) prior to the deadline of September 30, 2005. The DOJ will provide a study

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manual, which will be available at the Department of Motor Vehicles (DMV) locations around the state later in the spring.

Also, all drivers must successfully pass a skills test in a school bus of the same vehicle group that the driver will operate. The skills portion of the test requires that the driver go to a DMV examination office that conducts driving tests. Some drivers may be able to qualify for a skills test waiver. Drivers would have to be able to certify that they have driven a school bus during the 2-year period immediately prior to application for the “S” endorsement and meet the “good driver” standards established under 383.123(b)(2). The state will also have to verify the driver obtained their “P” endorsement since September 30, 2002. If the “P” endorsement were obtained prior to that date, the driver would NOT be eligible for the skills waiver.

In addition to being able to take the written test at an examination office, DOJ has agreed to conduct the written portion of the new requirement at group testing sites around the state. The established group testing sites so far are:

- Hamilton at the MAPT Conference – June 22, 23, 24, 2005. A room just for testing will be available all three days.
- Townsend on August 20, 2005 all day

Possible Sites:

- Kalispell in September
- Poplar in September

I have had requests for sites with no dates attached yet:

- Billings
- Great Falls
- Helena

When more information and more testing sites become available there will be a posting to the transportation web site at www.opi.mt.us/pupiltransport.

3. For your information, I am including the new language for “Stop Arm Violations” in Montana. The old language in Montana Code Annotated (MCA) 61-8-351 was judged to be unconstitutional and in certain areas of the state those violations are not being prosecuted. This has been and will continue to be an extremely difficult issue because of the safety of the students at and around school bus stops in the state. Any time anyone fails to stop for the flashing red lights on a bus, we run the risk of someone getting hurt or worse.

There are several issues regarding this new language of which you should be aware.

- The old law required on-coming traffic to stop at least 10 feet from the bus, both front and back. This was dangerous because as you know, the drivers can’t see cars behind the bus when they are only 10 feet away. Also, with the crossing arms that we see on new buses coming into the state, we feel strongly that 10 feet should be changed to 20 feet. The House Transportation Committee debated this issue quite a bit and finally settled on “approximately 15 feet”. This is not as good as we wanted but moving cars back that far will allow students to cross the street in front of the bus with just a little more room for safety.

- The other issue is the “Stop Arm Violation” piece. In the old law, the owner of the vehicle was automatically guilty whether or not the owner was driving. The initial language for Senate Bill 487 (SB 487) allowed the owner to either accept the responsibility of the violation or provide the name of the driver. We couldn’t get that passed in the House Transportation Committee although it flew through the Senate Committee hearings. The language that finally passed changed the law from “Prima Fascia evidence” to (which assumes guilt) “Particularized Suspicion” which allows motorist the right to be innocent until proven guilty.

School districts and contractors should seriously consider ordering any new buses with stop arm cameras installed. This would be a very positive way to identify and prosecute the stop arm violators plus it would allow the school bus driver to continue to concentrate on driving and student safety. The purchase of such a good quality camera is a legitimate expenditure from the Bus Depreciation Fund.

Brenda Nordlund from the AG’s office, Bob Gilbert Lobbyist for the MSBCA, Bob Vogel from MSBA, George Smith, Transportation Director from Livingston, Traffic Education Lobbyist Steve Yeakle, Buffy Woodring, School Bus Driver and Contractor from Townsend, and Jim Huffman from Helena Laidlaw, with State Superintendent Linda McCulloch’s support, OPI Staff Bud Williams, Cathy Warhank and David Huff all worked very hard to get SB 487 through the legislature. Thanks to everyone that helped with this bill. If you have questions regarding this change, please call Maxine at (406) 444-3096 or email her at mmougeot@mt.us.