

1 SENATE BILL 138

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

4 William P. Soules

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10 AN ACT

11 RELATING TO MOTOR VEHICLES; REQUIRING THAT ALL SCHOOL BUSES
12 PURCHASED ON OR AFTER JULY 1, 2018 HAVE SEAT BELTS; MAKING AN
13 APPROPRIATION TO THE PUBLIC EDUCATION DEPARTMENT FOR THE
14 PURCHASE OF SCHOOL BUSES WITH SEAT BELTS.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 22-16-11 NMSA 1978 (being Laws 1978,
18 Chapter 35, Section 469, as amended) is amended to read:

19 "22-16-11. REGULATIONS RELATIVE TO SCHOOL BUSES.--

20 A. The state transportation director [~~appointed as~~
21 ~~provided in Section 22-16-1 NMSA 1978~~] shall adopt and enforce
22 [~~regulations~~] rules adopted by the [~~state board~~] department not
23 inconsistent with the Motor Vehicle Code to govern the design
24 and operation of all school buses used for the transportation
25 of school children [~~when~~]; provided that the rules shall

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1 require all such vehicles purchased on or after July 1, 2018 to
2 be equipped with seat belts for all passengers.

3 B. The rules adopted under Subsection A of this
4 section shall apply to school buses used for the transportation
5 of school children when the buses are owned and operated by any
6 school district or privately owned and operated under contract
7 with any school district in this state, and the [~~regulations~~]
8 rules shall by reference be made a part of any such contract
9 with a school district. Every school district, its officers
10 and employees and every person employed under contract by a
11 school district shall be subject to the [~~regulations~~] rules.

12 [~~B.~~] C. Any officer or employee of any school
13 district who violates any of the [~~regulations~~] rules or fails
14 to include obligation to comply with the [~~regulations~~] rules in
15 any contract executed by [~~him~~] the officer or employee on
16 behalf of a school district is guilty of misconduct and subject
17 to removal from office or employment. Any person operating a
18 school bus, under contract with a school district, who fails to
19 comply with any of the [~~regulations~~] rules is guilty of breach
20 of contract, and the contract may be canceled after notice and
21 hearing by the state transportation director acting in
22 conjunction with the responsible officers of the school
23 district.

24 [~~G.~~] D. Any driver of a school bus who fails to
25 comply with any of the [~~regulations~~] rules is guilty of a

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misdemeanor."

SECTION 2. APPROPRIATION.--Eight million five hundred thousand dollars (\$8,500,000) is appropriated from the general fund to the public education department for expenditure in fiscal year 2019 to purchase school buses with passenger seat belts. Any unexpended or unencumbered balance remaining at the end of fiscal year 2019 shall revert to the general fund.

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2018.