

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 321

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

AN ACT

RELATING TO EDUCATION; REQUIRING CERTAIN SCHOOL BUSES PURCHASED  
ON OR AFTER JULY 1, 2019 TO HAVE AIR CONDITIONING; PROVIDING  
FOR THE CALCULATION OF SCHOOL BUS SEATING CAPACITY; MAKING AN  
APPROPRIATION; DECLARING AN EMERGENCY.

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

**SECTION 1.** A new section of the Public School Code is  
enacted to read:

"~~[NEW MATERIAL]~~ SCHOOL BUS STANDARDS--AIR CONDITIONING--  
SEATING CAPACITY--RULES.--

A. The department shall adopt rules to ensure that  
all school buses purchased after July 1, 2019, whether school  
district-owned or contractor-owned, shall be equipped with air  
conditioning if they are operated in school districts in which  
temperatures are regularly high enough to pose a risk to

.213040.4

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1 students riding in a school bus without air conditioning. All  
2 school districts and school bus contractors may request funds  
3 from the department to purchase new school buses with air  
4 conditioning or retrofit school buses with air conditioning,  
5 subject to rules established by the department pursuant to this  
6 subsection.

7 B. In determining the seating capacity of school  
8 buses used for the transportation of school children when the  
9 buses are owned and operated by a school district or privately  
10 owned and operated under contract with a school district, the  
11 department shall adopt rules providing that seating shall not  
12 exceed:

13 (1) three students, when the combined seated  
14 width of those students is more than the actual width of the  
15 seat; and

16 (2) two students, when the combined seated  
17 width of those students is more than the actual width of the  
18 seat.

19 C. The department shall ensure that training for  
20 new school bus drivers includes standardized training in the  
21 determination of the legal capacity when loading children and  
22 the procedure for reporting an overload condition."

23 SECTION 2. APPROPRIATION.--One million five hundred  
24 thousand dollars (\$1,500,000) is appropriated from the general  
25 fund to the public education department for expenditure in

.213040.4

1 fiscal years 2019 and 2020 to purchase buses with air  
2 conditioning systems and to install air conditioning systems on  
3 school buses already in use. Any unexpended or unencumbered  
4 balance remaining at the end of fiscal year 2020 shall not  
5 revert to the general fund.

6 SECTION 3. EMERGENCY.--It is necessary for the public  
7 peace, health and safety that this act take effect immediately.

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