

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 41 TRANSPORTATION - SCHOOL BUS SAFETY
PART 2 SCHOOL BUS INSPECTIONS

6.41.2.1 ISSUING AGENCY: Public Education Department
[12-31-98, 07-30-99; 6.41.2.1 NMAC - Rn, 6 NMAC 9.5.1.1, 07-31-01; A, 11-13-09]

6.41.2.2 SCOPE: Provisions of this rule apply to public school districts and governs the standards for inspection and safety of school buses used to transport public school children under the jurisdiction of the department. This rule establishes that school districts are responsible for the safe transportation of their students and if districts contract for transportation services, requires that school districts hold their contractor(s) accountable for safety of the contracted buses.
[12-31-98; 6.41.2.2 NMAC - Rn, 6 NMAC 9.5.1.2, 07-31-01; A, 11-13-09]

6.41.2.3 STATUTORY AUTHORITY: This rule is adopted by the department pursuant to Section 22-16-2, NMSA, 1978 which stipulates the state transportation division of the department shall: establish standards and certify for safety, vehicles that are defined as school buses by the Motor Vehicle Code [Chapter 66, Articles 1 to 8, except 66-7-102.1 NMSA, 1978].
[12-31-98; 6.41.2.3 NMAC - Rn, 6 NMAC 9.5.1.3, 07-31-01; A, 11-13-09]

6.41.2.4 DURATION: Permanent.
[12-31-98; 6.41.2.4 NMAC - Rn, 6 NMAC 9.5.1.4, 07-31-01]

6.41.2.5 EFFECTIVE DATE: December 31, 1998
[12-31-98; 6.41.2.5 NMAC - Rn, 6 NMAC 9.5.1.5, 07-31-01]

6.41.2.6 OBJECTIVE: To establish a school bus safety maintenance program in school districts and to institute a safety audit program which is conducted by the school transportation division in cooperation with other agencies and entities.
[12-31-98; 6.41.2.6 NMAC - Rn, 6 NMAC 9.5.1.6, 07-31-01]

6.41.2.7 DEFINITIONS:
A. "Department" means the public education department.
B. "State transportation division means the program support and student transportation division.
[12-31-98; 6.41.2.7 NMAC - Rn, 6 NMAC 9.5.1.7, 07-31-01; A, 11-13-09]

6.41.2.8 REQUIREMENTS OF THE PUBLIC EDUCATION DEPARTMENT: The department, working cooperatively with other agencies and entities, will establish a safety audit program. The department, or its authorized representatives, will be required to:
A. randomly audit district school bus maintenance and inspections records;
B. conduct random school bus inspections as a division, or through joint power agreements with other agencies, or contract with other entities;
C. conduct random school bus inspections in compliance with the department's guide for school bus maintenance and safety audit program;
D. maintain records of the school districts inspection and safety audits.
[12-31-98; 6.41.2.8 NMAC - Rn, 6 NMAC 9.5.1.8 & A, 07-31-01; A, 11-13-09]

6.41.2.9 REQUIREMENTS OF SCHOOL DISTRICTS: School districts shall ensure that all school buses are inspected semi-annually in accordance with the guide for school bus maintenance and safety audit program.
A. School districts must maintain the following:
 (1) maintenance records in accordance with the department's guide for school bus maintenance and safety audit program;
 (2) semi-annual inspection records completed by the contractor or in the case of owned operations, the local school district superintendent;

(3) pre-and-post trip records of daily inspections for the school year completed by the contractor or school district transportation director;

(4) inspection records of random inspections conducted by inspectors or auditor authorized by the department.

B. School districts must certify to the department that semi-annual inspections and daily driver inspections have been conducted and are on file.

[12-31-98; 6.41.2.9 NMAC - Rn, 6 NMAC 9.5.1.9 & A, 07-31-01; A, 11-13-09]

HISTORY OF 6.41.2 NMAC:

PRE-NMAC HISTORY: The material in this regulation was derived from that previously filed with the State Records Center and Archives under State Board of Education Regulation 93-19 School Bus Inspections, filed October 5, 1993;

State Board of Education Regulation 76-15 Regulations to Govern the Inspection of all School Buses used for the Transportation of School Children, filed September 1, 1976;

State Board of Education Regulation 76-15 Regulations to Govern the Inspection of all School Buses used for the Transportation of School Children -Amendment No. 1 filed October 28,1988;

State Board of Education Regulation 74-10 Guidelines for School Bus Inspection in New Mexico, filed June 27, 1974;

State Board of Education Regulation 72 22 Guidelines for School Bus Inspection in New Mexico, filed December 13,1972;

State Board of Education Regulation 70-11 Guidelines for School Bus Inspection in New Mexico, filed August 27, 1970;

State Board of Education Regulation 67-7 Guidelines for School Bus Inspection in New Mexico, filed November 3, 1967.

HISTORY OF REPEALED MATERIAL: [Reserved]