



COLORADO DEPARTMENT OF EDUCATION

201 East Colfax Avenue • Denver, Colorado 80203-1799
303.866.6600 • www.cde.state.co.us

Dwight D. Jones
Commissioner of Education

Karen Stroup Mock
Deputy Commissioner

Kenneth R. Turner
Deputy Commissioner

TR-52-07F

TO: Transportation Directors, Supervisors

FROM: Bruce D. Little, Senior Transportation Consultant, (303) 866-6655

DATE: October 25, 2007

SUBJECT: Colorado State Statutes List

Enclosures:

Colorado State Statutes – Student Transportation
22-32-113 C.R.S. – Transportation of pupils – when
42-4-1903 C.R.S. – School buses – stops – signs - passing

The first enclosure is a list of the Colorado state statutes that pertain to student transportation.

The second enclosure is the state statute granting the local board of education authority to furnish student transportation if the board wishes.

The third enclosure is the state statute granting school bus drivers the authority to stop traffic at student stops.

These are the primary two statutes concerning your district's student transportation.

You may print any state statute and keep it in section F of the Administrator's Reference Manual.

The process for obtaining any state statute is listed on page three of the first enclosure.

This letter and enclosures should be placed in Section F of the Colorado School Transportation Administrator's Reference Manual. Previous numbered memos in this section may be kept since they still apply. The statute copies originally in the manual should be disposed of since they are out of date. Please mark off TR-52 on the new Check List page at the front of the manual.

COLORADO STATE STATUTES - STUDENT TRANSPORTATION

This list contains the primary Colorado statutes that deal with many aspects of safely transporting students. Only two have been reproduced and are attached. You are encouraged to reproduce others as needed and place them in this section for later use. An explanation of how to access these or any statute is detailed on the bottom of page 3.

13-21-108	Good samaritan act
13-21-115.6	School crossing guard immunity
18-9-115	Endangering public transportation
19-3-304	Reporting child abuse
22-1-102	Residence of child in school district (homeless)
22-1-102.5	Definition of homeless child
22-1-122	Transportation token program
22-12-102	Teacher and school administrator protection act
22-23-105	Regular school session requirements – migrant
22-23-106	Summer schools
22-30.5-104	Charter schools (state charter schools)
22-30.5-106	Charter application – contents
22-30.5-112.5	Charter school transportation plans
22-30.5-501	State institute charter schools (series 501 through 507)
22-32-109	Board of education – duties – local board
22-32-109.1	Safe school plan
22-32-109.8	Submittal of forms and fingerprints for non-licensed positions & district staff database
22-32-109.9	Licensed personnel – submittal of fingerprints
22-32-110	Board of education – specific powers – repeal – local board
22-32-113	Transportation of pupils – when
22-32-114	Transportation by parents of own children
22-32-128	Use of school buses by residents of district

- 22-33-103.5 Homeless children – education and transportation
- 22-45-103 Funds – school district
- 22-51-101 Legislative declaration
- 22-51-102 Definitions
- 22-51-103 Creation of public school transportation fund
- 22-51-104 Methods of determining reimbursement entitlement
- 22-51-105 Certifications by school boards
- 22-51-106 Certification to and payment by state treasurer – deficiency in fund
- 22-51-107 Requirements for participation
- 22-51-108 Rules and regulations
- 25-7-106.8 Colorado clean vehicle fleet program
- 25-14-103.5 Prohibition against the use of tobacco on school property – legislative declaration – education program – special account
- 25-20.5-111 Colorado homeless youth services act
- 42-1-102 Definitions – (paragraph 88 – school bus)
- 42-2-401-8 CDL state statutes
- 42-2-402 Definitions
- 42-2-403 Department authority – rules – federal requirements
- 42-2-404 License for drivers – limitations
- 42-2-405 Driver license disciplinary action
- 42-2-406 Fees
- 42-2-407 Licensing of tester units
- 42-4-215 Signal lamps & devices (hazards)
- 42-4-229 Safety glazing material in motor vehicles
- 42-4-235 Minimum standards for commercial vehicles
- 42-4-236 Child restraint systems required – definitions – exemptions
- 42-4-237 Safety belt systems – mandatory use – exemptions – penalty
- 42-4-406 Diesel emissions
- 42-4-604 Traffic control signal legend
- 42-4-616 School zones
- PART 7 Right of ways
- 42-4-706 Obedience to railroad signal
- 42-4-707 Certain vehicles must stop at railroad grade crossings

42-4-711	Driving on mountain highways
PART 9	Turning – stopping (901, 902, 903)
PART 10	Driving – overtaking – passing
42-4-1013	Passing lane – definitions – penalty
PART 11	Speed regulations
PART 12	Parking
42-4-1301	Driving under the influence
42-4-1601	Accidents involving death or personal injury
42-4-1602	Accident involving damage – duty
42-4-1603	Duty to give notice, information and aid
42-4-1901	School buses – equipped with supplementary brake retarders
42-4-1902	School bus drivers – special training required
42-4-1903	School buses – stops – signs – passing
42-4-1904	Regulations for school buses – regulations on discharge of passengers - penalty – exception
42-4-1606	Duty to report accidents
43-1-1601	Safe routes to school program

To access these or any statute, copy this address to the Internet:

<http://198.187.128.12/colorado/lpext.dll?f=templates&fn=fs-main.htm&2.0>

or click on the External Links on the School Transportation Unit web site; then choose Colorado State Statutes.

Once at the Lexus/Nexus site, type the statute number or subject into the upper left search menu. It will list every statute that mentions that number. Choose the statute starting with the number for which you are looking.

22-32-113 Transportation of pupils - when.

(1) The board of education of a school district may furnish transportation:

(a) To and from public schools of the district for any reasonable classification of resident pupils enrolled in the schools of the district;

(b) To and from public schools located in an adjacent state for any reasonable classification of resident pupils who have not completed the twelfth grade, but only if the district of attendance is one to which the district of residence of such pupils is authorized to pay tuition for the attendance of such pupils;

(c) To and from public schools for any reasonable classification of pupils enrolled in the schools of the district who are resident of any other school district, if the district of residence is adjacent to the district of attendance, and if the board or other governing body of the district of residence shall consent to such transportation;

(d) To and from any school-sponsored activity, or for any emergency, for any reasonable classification of resident pupils enrolled in the schools of the district, whether said activity or emergency be within or without the territorial limits of the district, and whether or not occurring during school hours.

(1.5) The general assembly recognizes that section 2 of article IX of the state constitution requires the establishment and maintenance of a thorough and uniform system of free public schools and requires school districts to maintain such public schools. The general assembly finds and declares, however, that the provision by school districts of transportation for pupils is not required by the constitution as a part of a thorough and uniform system of free public schools and that any school district which provides transportation may pay the costs incurred in doing so through any means authorized by the general assembly pursuant to this title.

(2) A board may determine the points at which pupils shall be received and delivered and the routes of transportation pursuant to subsection (1) of this section.

(3) If it is impractical, as determined by the board, to furnish transportation to and from school for any resident pupil enrolled or eligible to be enrolled in the schools of the district pursuant to subsection (1) (a), (1) (b), or (1) (c) of this section, the board may pay the cost, or any portion thereof, of room and board for the pupil to reside at a point near a school of the district of residence, or a school of a district to which the district of residence is authorized to pay tuition.

(4) A board may reimburse a parent or guardian for the expenses incurred by such parent or guardian in furnishing transportation to and from a public school or school bus line for his child or children and for other pupils enrolled in the schools of the district; but the board may not reimburse any person for transportation furnished to a pupil resident in another school district without the consent of the board or other governing body of the district of residence. The amount and payment of such expenses shall be as determined by the board paying such expenses.

(5) (a) The board of education of a school district that furnishes transportation to pupils pursuant to the provisions of this section may impose and collect a fee for the payment of excess transportation costs pursuant to a fee schedule adopted by a resolution of the board of education of the district.

(a.5) Prior to adopting a resolution to collect a transportation fee pursuant to the provisions of this subsection (5), a school district board of education shall hold a public meeting to solicit and consider recommendations from, at a minimum, the school district accountability committee, or its equivalent within the school district, and from teachers, parents, and students, including but not limited to any statewide or local organization that represents parents, teachers, and students within the school district. The recommendations shall pertain both to the question of whether to impose the transportation fee and to the proposed fee schedule. The school district board of education shall provide public notice of the meeting at least thirty days prior to the meeting. At a meeting held subsequent to the meeting at which the school district board of education receives comments and recommendations, the district board may adopt a resolution to impose a transportation fee pursuant to this subsection (5). The school district board of education shall specifically take into account the recommendations received from the school district accountability committee, or its equivalent, and teachers, parents, and students when making the final determination of whether to impose a transportation fee pursuant to this subsection (5).

(a.6) In imposing a transportation fee on pupils pursuant to this subsection (5), the school district shall ensure that only those pupils who use the transportation services are required to pay the fee.

(a.7) A school district shall deposit any revenues received from the imposition of a fee pursuant to the provisions of this subsection (5) in the transportation fund of the district created in section [22-45-103](#) (1) (f).

(a.9) If a school district that imposes a transportation fee pursuant to this subsection (5) chooses to impose the transportation fee on students enrolled in charter schools of the school district, the school district, prior to imposing the transportation fee, shall consult with the parents of the students enrolled in the charter schools of the school district. If the school district chooses to include charter school students in the transportation fee, the school district shall ensure that the full amount of the transportation fee collected from students enrolled in charter schools is used to offset the costs of providing transportation services for charter school students.

(b) For the purposes of this subsection (5), "excess transportation costs" means the current operating expenditures for pupil transportation, as defined in section [22-51-102](#) (1), minus any reimbursement entitlement, as defined in section [22-51-102](#) (4). The calculation of excess transportation costs shall be based upon amounts expended and amounts received for the twelve-month period ending on June 30 prior to the adoption of the fee schedule.

(c) If a school district imposes a fee for the transportation of pupils, the district shall waive the fee for any pupil who is eligible for a reduced-cost meal or free meal pursuant to the "National School Lunch Act", 42 U.S.C. sec. 1751 et seq.

Source: L. 64: p. 584, § 14. **C.R.S. 1963:** § 123-30-14. **L. 69:** p. 1033, § 1. **L. 91:** (1.5) and (5) added, pp. 538, 537, §§ 3, 2, effective May 1. **L. 93:** (5)(a) amended, p. 1782, § 50, effective June 6. **L. 2005:** (5) amended, p. 1506, § 1, effective June 9.

42-4-1903 School buses - stops - signs - passing.

(1) (a) The driver of a vehicle upon any highway, road, or street, upon meeting or overtaking from either direction any school bus which has stopped, shall stop the vehicle before reaching such school bus if there are in operation on said school bus visual signal lights as specified in subsection (2) of this section, and said driver shall not proceed until the visual signal lights are no longer being actuated; but, in the case of small passenger-type vehicles operated as school buses having a seating capacity of not more than fifteen, no such visual signal lights need be displayed or actuated.

(b) (I) A driver of any school bus who observes a violation of paragraph (a) of this subsection (1) shall notify the driver's school district transportation dispatcher. The school bus driver shall provide the school district transportation dispatcher with the color, basic description, and license plate number of the vehicle involved in the violation, information pertaining to the identity of the alleged violator, and the time and the approximate location at which the violation occurred. Any school district transportation dispatcher who has received information by a school bus driver concerning a violation of paragraph (a) of this subsection (1) shall provide such information to the appropriate law enforcement agency or agencies.

(II) A law enforcement agency may issue a citation on the basis of the information supplied to it pursuant to subparagraph (I) of this paragraph (b) to the driver of the vehicle involved in the violation.

(2) (a) Every school bus as defined in section [42-1-102](#) (88), other than a small passenger-type vehicle having a seating capacity of not more than fifteen, used for the transportation of schoolchildren shall:

(I) Bear upon the front and rear of such school bus plainly visible and legible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height; and

(II) Display eight visual signal lights, which shall be two alternating flashing red lights visible to the drivers of vehicles approaching from the front of said bus, two alternating flashing red lights visible to the drivers of vehicles approaching from the rear of said bus, and four visual signal lights which shall be yellow signal lights mounted near each of the four red lights and at the same level but closer to the vertical center line of the bus and which shall be alternately flashing with two visible to the front and two visible to the rear. These visual signal lights shall be mounted as high as practicable, shall be as widely spaced laterally as practicable, and shall be

located on the same level. These lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(b) (I) The red visual signal lights shall be actuated by the driver of the school bus whenever the school bus is stopped for the purpose of receiving or discharging schoolchildren, is stopped because it is behind another school bus that is receiving or discharging passengers, or, except as provided in subsection (4) of this section, is stopped because it has met a school bus traveling in a different direction that is receiving or discharging passengers and at no other time; but such lights need not be actuated when a school bus is stopped at locations where the local traffic regulatory authority has by prior written designation declared such actuation unnecessary.

(II) A school bus shall be exempt from the provisions of subparagraph (I) of this paragraph (b) when stopped for the purpose of discharging or loading passengers who require the assistance of a lift device only when no passenger is required to cross the roadway. Such buses shall stop as far to the right off the roadway as possible to reduce obstruction to traffic.

(c) The alternating flashing yellow lights shall be actuated at least two hundred feet prior to the point where the bus is to be stopped for the purpose of receiving or discharging schoolchildren, and the red lights shall be actuated only at the time the bus is actually stopped.

(3) Every school bus used for the transportation of schoolchildren, except those small passenger-type vehicles described in subsection (1) of this section, shall be equipped with a stop signal arm mounted outside the bus on the left alongside the driver and below the window. The stop signal arm shall be a flat octagon with the word "STOP" printed on both sides in such a manner as to be easily visible to persons approaching from either direction. The stop signal arm shall contain two alternately flashing red lamps which are connected to the alternating flashing signal light system described in subsection (2) of this section, and the stop signal arm shall be extended only when the red visual signal lights are in operation.

(4) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway. For the purposes of this section, "highway with separate roadways" means a highway that is divided into two or more roadways by a depressed, raised, or painted median or other intervening space serving as a clearly indicated dividing section or island.

(5) Every school bus shall stop as far to the right of the roadway as possible before discharging or loading passengers; except that the school bus may block the lane of traffic when a passenger being received or discharged is required to cross the roadway. When possible, a school bus shall not stop where the visibility is obscured for a distance of two hundred feet either way from the bus. The driver of a school bus that has stopped shall allow time for any vehicles that have stopped behind the school bus to pass the school bus, if such passing is legally permissible where the school bus is stopped, after the visual signal lights, if any, are no longer being displayed or actuated and after all children who have embarked or disembarked from the bus are safe from traffic.

(6) (a) Except as provided in paragraph (b) of this subsection (6), any person who violates any provision of paragraph (a) of subsection (1) of this section commits a class 2 misdemeanor traffic offense.

(b) Any person who violates the provisions of paragraph (a) of subsection (1) of this section commits a class 1 misdemeanor traffic offense if such person has been convicted within the previous five years of a violation of paragraph (a) of subsection (1) of this section.

(7) The provisions of this section shall not apply in the case of public transportation programs for pupil transportation under section [22-51-104](#) (1) (c), C.R.S.

Source: **L. 94:** Entire title amended with relocations, p. 2436, § 1, effective January 1, 1995. **L. 95:** (1)(a), (2)(b)(II), and (5) amended, p. 960, § 20, effective May 25. **L. 97:** (2)(a), (2)(b)(I), (2)(c), (3), and (5) amended, p. 1387, § 8, effective July 1. **L. 98:** (2)(b)(I) and (5) amended, p. 100, § 1, effective March 23.

Editor's note: This section was formerly numbered as 42-4-612.

Cross references: For penalties for class 1 and class 2 misdemeanor traffic offenses, see § [42-4-1701](#) (3)(a)(II).