

SECOND REGULAR SESSION

# HOUSE BILL NO. 1273

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES KELLEY (126) (Sponsor), NASHEED, BAHR, BRATTIN, DAVIS, WHITE, CURTMAN, ENTLICHER, BERRY, WYATT, FREDERICK, LONG, LEACH, HOUGHTON, NETH, CRAWFORD, LAIR, SHUMAKE, BROWN (116), HIGDON, SCHAD, FRANKLIN, SCHOELLER, DAY, JONES (89), SMITH (150), WRIGHT, WIELAND, WEBBER, REIBOLDT, JOHNSON, REDMON, GRISAMORE, JONES (117), JONES (63), TAYLOR, GOSEN, BROWN (50), BLACK, CARTER, McCREERY, McCANN BEATTY, SWEARINGEN, HOUGH, DIEHL, NANCE, SOLON, KEENEY AND RICHARDSON (Co-sponsors).

4640L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 171, RSMo, by adding thereto four new sections relating to school bus advertisements.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 171, RSMo, is amended by adding thereto four new sections, to be known as sections 171.400, 171.402, 171.404, and 171.406, to read as follows:

**171.400. 1. The state board of education shall promulgate rules and regulations authorizing local school boards to lease advertising space on the interior and exterior of school buses. The regulations shall include provisions that:**

**(1) Prohibit advertising that contains obscenity, sexual material, gambling, tobacco products, alcohol, political campaigns or causes, public advocacy or lobbying regarding any matters before the legislature or any state agency or governing authority of any local, state or federal political division, or religion;**

**(2) Prohibit advertising that promotes the use of drugs or any illegal activity or antisocial behavior;**

**(3) Prohibit advertising that contains general content that is harmful, discriminatory, false, misleading or deceptive, not age appropriate or otherwise appropriate for school buses, as determined by the school board of a local school district;**  
**and**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14           **(4) Prohibit advertising containing an endorsement, whether actual or implied, by**  
15 **a school district for a product or service.**

16           **2. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
17 **created under the authority delegated in this section shall become effective only if it**  
18 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
19 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
20 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
21 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
22 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2012,**  
23 **shall be invalid and void.**

**171.402. 1. The school board of a local school district, in its discretion, may adopt**  
2 **a policy for advertising on the school buses operated in the district, which policy shall**  
3 **comply with the rules and regulations adopted by the state board of education under**  
4 **section 171.400.**

5           **2. All school bus private owners that have legal title to school buses used and**  
6 **operated pursuant to an existing bus service contract with a school district may lease space**  
7 **on their school buses to the school district for the purpose of selling commercial**  
8 **advertisements. In exchange for leasing the space, the school bus owner-operators shall**  
9 **receive ten percent of the total value of the amount of the contract between the school**  
10 **district and the commercial advertiser.**

11           **3. A school district may solicit offers from commercial advertisers for the use of**  
12 **space on the school buses that services its school district. The school district may enter into**  
13 **a lease agreement with a commercial advertiser for the use of any designated advertising**  
14 **space on a school bus that services the school district.**

15           **4. Any contract for advertising shall include the time schedule permitted for**  
16 **placement and removal of the advertisement, the term of the agreement, the rental amount,**  
17 **and the signatures of authorized parties. Such advertising agreements shall be kept on file**  
18 **for a period of five years from the expiration date of the advertisement contract.**

19           **5. In a lease agreement with a commercial advertiser, the school district shall**  
20 **establish the rental amount, schedule, and term. The term of any lease agreement shall not**  
21 **be for a period longer than the time remaining on the school district's bus service contract**  
22 **with a school bus operator who owns the bus that is the subject of the lease agreement.**

23           **6. A school district shall not enter into a lease agreement with a commercial**  
24 **advertiser that seeks to display an advertisement prohibited by local school board**  
25 **guidelines or section 171.400.**

171.404. 1. All school bus advertisements shall be painted or affixed by decal on  
2 a school bus in a manner that does not interfere with state and federal requirements for  
3 school bus markings, lights, signs, emergency exits, service doors, windows, and the  
4 ventilation area of rear engines.

5 2. The commercial advertiser that contracts with the school district for the use of  
6 the space for advertising shall be required to pay the cost of placing an advertisement on  
7 a bus and for the removal of the advertisement upon expiration of the term of the contract.

8 3. No advertisements shall be placed on the front, rear, or driver's side of the school  
9 bus.

10 4. The amount of space permitted for commercial advertisements on the exterior  
11 portion of a school bus shall be limited to eighteen inches from the rearmost portion of the  
12 bus and six inches from the window base line, service door or doors, wheel well opening,  
13 required lettering, or bus body reflectors. Advertisements will be permitted above the  
14 window drip rail leading toward the roof of the school bus.

15 5. The amount of space permitted for commercial advertisements on the interior  
16 portion of school buses shall be limited to the area above every other window, not to exceed  
17 twenty-four inches wide by twelve inches in height. Interior advertisements shall be  
18 limited to health and safety-related messages.

171.406. 1. Revenue received from commercial advertisements on school buses  
2 shall be retained in a school bus advertising fund established within the school district after  
3 the required payment is made to school bus private owners.

4 2. In all school districts, fifty percent of any revenue retained under this section  
5 shall be used by the local school board to offset the fuel costs of providing pupil  
6 transportation services, and the remaining fifty percent shall be used at the discretion of  
7 the board.

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