

H-496C



# National Transportation Safety Board

Washington, D.C. 20594

## Safety Recommendation

Date: June 9, 1987

In reply refer to: H-87-19

Honorable John Ashcroft  
Governor of Missouri  
Jefferson City, Missouri 65101

About 2:43 p.m. central standard time on November 11, 1985, a schoolbus owned by R. W. Harmon and Sons, Inc. was eastbound on I-70 transporting 13 high school students to their homes in St. Louis, Missouri, from the Parkway North Senior High School. As the schoolbus was approaching the Lucas and Hunt Road exit, it went out of control, swerved to the right, and the right front of the schoolbus struck a guard rail, a concrete pedestal, and a sign support pillar located adjacent to the right eastbound roadway. The schoolbus body and the steering axle separated from the chassis during the collision. The weather was cloudy and the pavement was dry. The schoolbus did not catch fire. Two students were killed; the schoolbus driver and one student sustained serious injuries, and the remaining 10 students sustained minor to moderate injuries. 1/

After the accident Missouri enacted Senate Bill 707 (SB 707) which specifies certain crimes which will disqualify a person from being issued a schoolbus operator's permit or having an existing schoolbus operator's permit renewed. SB 707 clearly states that disqualification is contingent on that person's conviction of the crime(s) listed in the law.

It is, therefore, conceivable that if a person pleads or is found guilty of one or more of the crimes listed in SB 707 after the provisions of SB 707 become effective, but imposition of sentence is suspended, a noncriminal justice agency would be unable to determine a person's complete criminal history.

It is neither intended nor should it be inferred that the National Transportation Safety Board is attempting to substitute its judgement for that of a court charged with the serious responsibility of assessing penalties for a particular crime or for determining the potential and possibly unnecessary negative effect that a "conviction" for a serious crime will have upon a particular defendant's future employment opportunities.

The interests of justice may, in many circumstances, clearly dictate that imposition of sentence for a particular crime should be suspended, particularly in cases involving young or first-time offenders. (The accident driver was 21 years old when he pled guilty to the weapons and conspiracy charges in 1980.)

1/ For more detailed information, read -- Highway Accident Report -- "Schoolbus Loss of Control and Collision with Guard Rail and Sign Pillar, U.S. Highway 70 Near Lucas and Hunt Road, St. Louis County, Missouri, November 11, 1985" (NTSB/HAR-87/2).

The Safety Board is concerned that in Missouri a final "conviction" of certain crimes will disqualify a person from operating a schoolbus after the provisions of SB 707 become effective, but a plea or finding of guilt of the same crime, in cases where imposition of sentence is suspended, will not disqualify an applicant from operating a schoolbus, and public availability of that information will be restricted to the same extent as if a defendant was found not guilty or the State declined to prosecute the case.

The Safety Board believes that the legislature of the State of Missouri should revise the Missouri statutes to ensure that a plea or finding of guilt of one or more of the crimes listed in SB 707 will disqualify a person from operating a schoolbus in the State of Missouri even if imposition of sentence is suspended.

Therefore, as a result of its investigation, the National Transportation Safety Board recommended that the legislature of the State of Missouri:

Revise the Missouri statutes to ensure that a finding or plea of guilty to one or more of the crimes listed in Senate Bill 707 will disqualify the defendant from operating a schoolbus in the State of Missouri even if imposition of sentence is suspended.  
(Class II, Priority Action) (H-87-19)

Also as a result of its investigation, the Safety Board issued Safety Recommendations H-87-18 to the Federal Highway Administration, H-87-20 to the Governors of Alabama, Arizona, Connecticut, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, South Carolina, Vermont, Wyoming, and the Mayor of the District of Columbia. In addition, the Safety Board issued Safety Recommendation H-87-21 to the Governors of Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, South Carolina, South Dakota, Texas, Vermont, Virginia, Washington, Wyoming, and the Mayor of the District of Columbia.

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility "...to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety Board is vitally interested in any action taken as a result of its safety recommendations. Therefore, it would appreciate a response from you regarding action taken or contemplated with respect to the recommendation in this letter. Please refer to Safety Recommendation H-87-19 in your reply.

BURNETT, Chairman, GOLDMAN, Vice Chairman, and LAUBER and NALL, Members, concurred in this recommendation.

By:   
Chairman