

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

FILED SENATE
Apr 4, 2017
S.B. 623
PRINCIPAL CLERK

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SENATE BILL DRS15179-MT-107 (03/10)

Short Title: School Bus Flexibility.

(Public)

Sponsors: Senators Ballard and Tillman (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO LOCAL BOARDS OF
3 EDUCATION IN THE USE OF SCHOOL BUSES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 115C-243 reads as rewritten:

6 "§ 115C-243. Use of school buses by senior citizen ~~groups~~, groups, government entities,
7 and nonprofits.

8 (a) Any local board of education may enter into agreements with the governing body of
9 any county, city, or town, ~~or with any State agency, or any agency established or identified~~
10 ~~pursuant to Public Law 89-73, Older Americans Act of 1965, or any nonprofit corporation that~~
11 ~~is created under Chapter 55A of the General Statutes and is a tax-exempt organization under~~
12 ~~the Internal Revenue Code~~ to provide for the use of school buses to provide transportation ~~for~~
13 ~~the elderly services on legal holidays, weekends, or during any break between school years.~~

14 (b) Each agreement entered into under this section must provide the following:

15 (1) That the board of education shall be reimbursed in full for the proportionate
16 share of any and all costs, both fixed and variable, of such buses attributable
17 to the uses of the bus pursuant to the agreement.

18 (2) That the board of education shall be held harmless from any and all liability
19 by virtue of uses of the buses pursuant to the agreement.

20 (3) That adequate liability insurance is maintained under G.S. 115C-42 to insure
21 the board of education, and that adequate insurance is maintained to protect
22 the property of the board of education. The minimum limit of liability
23 insurance shall not be less than the maximum amount of damages which
24 may be awarded under the Tort Claims Act, G.S. 143-291. The costs of said
25 insurance shall be paid by the agency contracting for the use of the bus,
26 either directly or through the fee established by the agreement.

27 (c) Before any board of education shall enter into any agreement under this section, it
28 must by resolution establish a policy for use of school ~~buses by the elderly~~ buses. The policy
29 must give first priority to school uses under G.S. 115C-242 and 115C-42. The resolution must
30 provide for a schedule of charges under this section. ~~Such~~ The schedule shall include a charge
31 by the hour and by the mile which shall cover all costs both fixed and variable, including
32 depreciation, gasoline, fuel, labor, maintenance, wages, and insurance. The resolution, if
33 adopted, shall be amended or readopted at least once per year to provide for adjustments to the
34 schedule of charges or to provide for maintaining the same schedule of charges. The local
35 board of education shall report the schedule to the Superintendent of Public Instruction each
36 year. If the price bid for the service by a private bus carrier is less than the schedule of charges



1 adopted by the board of education, then the board of education may not enter into the
2 agreement.

3 (d) No board of education shall be under any duty to sign any agreement under this
4 section.

5 (e) No bus operated under the provisions of this section shall travel outside of ~~the area~~
6 ~~consisting of the county or counties where the local board of education is located and the~~
7 ~~county or counties contiguous to that county or counties, but not outside of the State of North~~
8 ~~Carolina.~~

9 ~~(f) Before any agreement under this section may be signed, the State Board of~~
10 ~~Education shall adopt a uniform schedule of charges for the use of buses under this section.~~
11 ~~Such schedule shall include a charge by the hour and by the mile which shall cover all costs~~
12 ~~both fixed and variable, including depreciation, gasoline, fuel, labor, maintenance, and~~
13 ~~insurance. The schedule may be amended by the State Board of Education. The schedule of~~
14 ~~charges adopted by the local board of education under subsection (e) may vary from the State~~
15 ~~schedule only to cover changes in wages."~~

16 **SECTION 2.** This act is effective when it becomes law.