

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 143
HOUSE BILL 41

AN ACT TO AMEND G. S. 115-183 RELATING TO THE POWERS OF THE
BOARD OF EDUCATION IN MECKLENBURG COUNTY.

WHEREAS, Section 115-193 of the General Statutes authorizes Boards of Education to use school buses in order to transport pupils to and from concerts given by the North Carolina Symphony Orchestra; and

WHEREAS, for a number of years the North Carolina Symphony Orchestra has given no concerts for school pupils in Mecklenburg County, but in lieu thereof the Charlotte Symphony Orchestra has each year given a series of concerts for school pupils; and

WHEREAS, these concerts given by the Charlotte Symphony Orchestra are an integral part of the instructional program of the schools and are closely coordinated with the classroom work of the schools; and

WHEREAS, these concerts are financed partially by appropriations made by the Mecklenburg County Board of Education, a large portion of the expense consisting in the cost of transporting pupils and teachers to and from the concerts by private buses; and

WHEREAS, in view of these circumstances and particularly in view of the fact that these concerts are given in lieu of those given in many other counties by the North Carolina Symphony Orchestra, it is deemed appropriate that the use of school buses be authorized under the conditions herein set out: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. In Mecklenburg County, the Board of Education of said County may permit the use of school buses for the transportation of pupils and teachers to concerts given by symphony orchestras other than the North Carolina Symphony Orchestra.

Sec. 2. The Board of Education of said County shall be liable for the operating costs incurred in the use of said buses, said costs to include the cost of gasoline and oil, the compensation of the drivers and an allowance for depreciation of the buses, the method of calculating said operating costs to be determined by the State Board of Education.

Sec. 3. Every bus operated for the purpose herein authorized shall be driven by a person holding a valid school bus driver's certificate or a chauffeur's license.

Sec. 4. Tort claims arising out of or connected with the use of buses for the purpose herein set out may be brought against the Board of Education of Mecklenburg County in accordance with the provisions of, and subject to the limitations set forth in, Section 143-300.1 of the General Statutes. Said Board of Education shall carry insurance protecting against any claims which might be brought under the terms of said Statute.

Sec. 5. In addition to the insurance required under the provisions of Section 4 of this Act, the Board of Education of Mecklenburg County shall carry such other insurance as will, in the opinion of said Board, reasonably protect the pupils, teachers and drivers against injury or loss of life arising out of or connected with the use of said buses for the purpose herein authorized, provided that nothing in this Section shall be construed so as to give rise to any cause of action for injury or death against the Board of Education of said County, or the members thereof, except to the extent of the insurance provided by said Board. The opinion of said Board as to the reasonableness of any insurance provided, except insurance required under Section 4 hereof, shall be final and binding.

Sec. 6. Neither the State Board of Education nor any other department, institution or agency of the State shall be liable for the payment of any tort claim arising out of or connected with the operation of any buses for the purpose herein authorized, nor liable for the payment of any award made on account of any such claim.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1961.