

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 1280
HOUSE BILL 1548

AN ACT TO PERMIT BOARDS OF EDUCATION TO ALLOW SCHOOL BUSES TO BE
USED BY THE ELDERLY, SO AS TO IMPLEMENT THE RECOMMENDATIONS OF
THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON AGING.

The General Assembly of North Carolina enacts:

Section 1. General Statutes Chapter 115 is amended by adding a new section to read as follows:

"§ 115-183.1. Use of school buses by senior citizen groups. — (a) Any county board of education or city board of education may enter into agreements with the governing body of any county, city, or town, or with any State agency, or any agency established or identified pursuant to Public Law 89-73 (The Older Americans Act of 1965), as it is now or may be amended, to provide for the use of school buses to provide transportation for the elderly.

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

- (1) that the board of education shall be reimbursed in full for the proportionate share of any and all costs, both fixed and variable, of such buses attributable to the uses of the bus pursuant to the agreement;
- (2) that the board of education shall be held harmless from any and all liability by virtue of uses of the buses pursuant to the agreement;
- (3) that adequate liability insurance is maintained under G.S. 115-53 to insure the board of education, and adequate insurance is maintained to protect the property of the board of education. The minimum limit of liability insurance shall not be less than the maximum amount of damages which may be awarded under the Tort Claims Act, G.S. 143-291. The costs of said insurance shall be paid by the agency contracting for the use of the bus, either directly or through the fee established by the agreement.

(c) Before any board of education shall enter into any agreement under this section, it must by resolution establish a policy for use of school buses by the elderly. The policy must give first priority to school uses under G.S. 115-183 and G.S. 115-53. The resolution must provide for a schedule of charges under this section. Such resolution, if adopted, shall be amended or readopted at least once per year to provide for adjustments to the schedule of charges or to provide for maintaining the same schedule of charges. If the price bid for the service by a private bus carrier is less than the schedule of charges adopted by the board of education, then the board of education may not enter into the agreement.

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

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

(f) Before any agreement under this section may be signed the State Board of Education shall adopt a uniform schedule of charges for the use of buses under this section. Such schedule must be approved by the Advisory Budget Commission before becoming

effective. Such schedule shall include a charge by the hour and by the mile which shall cover all costs both fixed and variable, including depreciation, gasoline, fuel, labor, maintenance, and insurance. The schedule may be amended by the State Board of Education with the concurrence of the Advisory Budget Commission. The schedule of charges adopted by the local board of education under subsection (c) may vary from the State schedule only to cover changes in wages."

Sec. 2. G.S. 115-183 is amended by adding a new subdivision (7) to read:

"(7) Uses authorized by G.S. 115-183.1."

Sec. 3. G.S. 115-53 is amended by inserting at the end the words "Activity buses may also be used as provided in G.S. 115-183.1."

Sec. 4. G.S. 20-217 is amended by striking "(including privately owned buses transporting children)", and inserting in lieu thereof "(including privately owned buses transporting children and school buses transporting elderly persons under G.S. 115-183.1)".

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1978.