Senate Bill 159

By: Senators Gooch of the 51st, Miller of the 49th, Burke of the 11th, Ginn of the 47th and Payne of the 54th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 2 of Title 20 and Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to elementary and secondary education and identification and regulation of motor vehicles, respectively, so as to revise a provision relating to student transportation; to authorize local boards of education to use vehicles other than school buses for the transport of students to and from school related activities; to provide for minimum requirements; to provide for insurance; to revise a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended in Code Section 20-2-188, relating to student transportation, by revising subsection (e) as follows:

"(e) The State Board of Education shall establish and require adherence to minimum specifications for vehicles used or contracted to be used by local units of administration for transporting students, including a motor vehicle with a capacity of eight persons or less operated and marked for the transportation of school children to and from school and school related activities, taking into account the factors and circumstances set forth in subsection (a) of this Code section, and shall establish and require adherence to minimum
standards and requirements respecting maintenance, repair, inspection, and use of such vehicles and minimum qualifications for the drivers of such vehicles. The state board shall require, monitor, and fund a program of safety instruction in the practices of safe riding and emergency bus evacuation drills for both school bus drivers and students riding school buses.”

SECTION 2.

Said chapter is further amended in Part 1 of Article 22, relating to the powers of state and local school officials with respect to school buses, by adding a new Code section to read as follows:

"20-2-1076.

(a) Local boards of education may authorize the use of vehicles other than school buses for the transport of students who are documented in an Individualized Education Program as recipients of special education services or as currently lacking, or during the previous academic year lacked, a fixed, regular, and adequate nighttime residence as described under the McKinney-Vento Homeless Assistance Act, 42 U.S.C. Section 11301, et seq., to and from school and school related activities, where appropriate. Such vehicles may include motor vehicles with a capacity of eight persons or less operated and marked for the transportation of school children to and from school and school related activities.

(b) Local boards shall comply with all requirements established by the State Board of Education pursuant to Code Section 20-2-188, including minimum standards and requirements, which shall be delineated separately from requirements for school buses; for maintenance, repair, inspection, and use of such vehicles; minimum qualifications for the drivers of such vehicles; and other requirements as deemed necessary by the State Board of Education. Local boards may establish requirements in addition to such minimum state requirements, in the discretion of the local board.
(c) Local boards are authorized and required to cause policies of insurance to be issued insuring the students being transported to and from school related activities against bodily injury or death at any time resulting from an accident or collision in which such vehicles are involved. The amount of such insurance shall be within the discretion of each local board of education."

SECTION 3.

Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to identification and regulation of motor vehicles, is amended in Code Section 40-1-1, relating to definitions, by revising paragraph (55) as follows:

"(55) 'School bus' means:

(A) A motor vehicle operated for the transportation of school children to and from school or school activities or for the transportation of children to and from church or church activities. Such term shall not include a motor vehicle with a capacity of 15 persons or less operated for the transportation of school children to and from school activities or for the transportation of children to and from church or church activities if such motor vehicle is not being used for the transportation of school children to and from school or any vehicle used for the transport of students to and from school and school related activities pursuant to Code Section 20-2-1076; or

(B) A motor vehicle operated by a local transit system which meets the equipment and identification requirements of Code Section 40-8-115; provided, however, that such vehicle shall be a school bus only while transporting school children and no other passengers to or from school."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.