

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**

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

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

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

13 "(e) The State Board of Education shall establish and require adherence to minimum  
 14 specifications for vehicles used or contracted to be used by local units of administration for  
 15 transporting students, including a motor vehicle with a capacity of eight persons or less  
 16 operated and marked for the transportation of school children to and from school and  
 17 school related activities, taking into account the factors and circumstances set forth in  
 18 subsection (a) of this Code section, and shall establish and require adherence to minimum

19 standards and requirements respecting maintenance, repair, inspection, and use of such  
20 vehicles and minimum qualifications for the drivers of such vehicles. The state board shall  
21 require, monitor, and fund a program of safety instruction in the practices of safe riding and  
22 emergency bus evacuation drills for both school bus drivers and students riding school  
23 buses."

24 **SECTION 2.**

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

28 "20-2-1076.

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

37 (b) Local boards shall comply with all requirements established by the State Board of  
38 Education pursuant to Code Section 20-2-188, including minimum standards and  
39 requirements, which shall be delineated separately from requirements for school buses; for  
40 maintenance, repair, inspection, and use of such vehicles; minimum qualifications for the  
41 drivers of such vehicles; and other requirements as deemed necessary by the State Board  
42 of Education. Local boards may establish requirements in addition to such minimum state  
43 requirements, in the discretion of the local board.

44 (c) Local boards are authorized and required to cause policies of insurance to be issued  
45 insuring the students being transported to and from school related activities against bodily  
46 injury or death at any time resulting from an accident or collision in which such vehicles  
47 are involved. The amount of such insurance shall be within the discretion of each local  
48 board of education."

### 49 SECTION 3.

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

53 "(55) 'School bus' means:

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

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

### 66 SECTION 4.

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