

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 844
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40388-MT-127

Short Title: Reduce School Bus Replacement Restrictions. (Public)

Sponsors: Representative Torbett.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PERMIT THE REPLACEMENT OF SCHOOL BUSES AFTER 15 YEARS AND
3 TO ELIMINATE THE CAP ON SCHOOL BUSES THAT CAN BE REPLACED DUE TO
4 SAFETY CONCERNS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 115C-249 reads as rewritten:

7 "§ 115C-249. Purchase and maintenance of school buses, materials and supplies.

8 (a) To the extent that the funds shall be made available to it for such purpose, a local
9 board of education is authorized to purchase from time to time such additional school buses and
10 service vehicles or replacements for school buses and service vehicles, as may be deemed by
11 such board to be necessary for the safe and efficient transportation of pupils enrolled in the
12 schools within such local school administrative unit. Any school bus so purchased shall be
13 constructed and equipped as prescribed by the provisions of this Article and by the regulations
14 of the State Board of Education issued pursuant thereto. Any school bus so purchased that is
15 capable of operating on diesel fuel shall be capable of operating on diesel fuel with a minimum
16 biodiesel concentration of B-20, as defined in G.S. 143-58.4. At least two percent (2%) of the
17 total volume of fuel purchased annually by local school districts statewide for use in school bus
18 diesel engine motor vehicles shall be biodiesel fuel of a minimum blend of B-20, to the extent
19 that biodiesel blend is available and compatible with the technology of the vehicles or equipment
20 used.

21 (b) The tax-levying authorities of any county are hereby authorized to make provision
22 from time to time in the capital outlay budget of the county for the purchase of such school buses
23 or service vehicles.

24 (c) Any funds appropriated from time to time by the General Assembly for the purchase
25 of school buses or service vehicles shall be allocated by the State Board of Education to the
26 respective local boards of education in accordance with the requirements of such boards as
27 determined by the State Board of Education, and thereupon shall be paid over to the respective
28 local boards of education in accordance with such allocation.

29 (c1) In determining which school buses in the statewide fleet are to be replaced with State
30 funds in a given year, the State Board of Education shall give highest priority to safety concerns.

31 A bus is eligible for replacement with State funds based on its age and mileage when it is
32 either ~~20-15~~ years old by model year or has been operated for 250,000 miles, except as follows:

- 33 (1) A bus that has been operated for less than 150,000 miles is not eligible for
34 replacement regardless of its model year.
35 (2) A bus that is less than ~~15-10~~ years old by model year is not eligible for
36 replacement until the bus has been operated for 300,000 miles.



1 (c2) The State Board of Education may authorize the replacement of ~~up to 30~~ buses each
2 year due to safety concerns regarding the bus or mechanical or structural problems that would
3 place an undue burden on a local school administrative unit.

4 (c3) A local school administrative unit shall receive an incentive payment of two thousand
5 dollars (\$2,000) at the beginning of each school year for each bus that it continues to operate
6 although the bus is eligible for replacement, until the bus is 23 years old by model year. The local
7 school administrative unit may use these bonus funds for the additional maintenance costs of
8 operating buses with higher mileage or for any other school purpose.

9 (d) The title to any additional or replacement school bus or service vehicle purchased
10 pursuant to the provisions of this section, shall be taken in the name of the board of education of
11 such local school administrative unit, and such bus shall in all respects be maintained and
12 operated pursuant to the provisions of this Article in the same manner as any other public school
13 bus.

14 (e) It shall be the duty of the county board of education to provide adequate buildings
15 and equipment for the storage and maintenance of all school buses and service vehicles owned
16 or operated by the board of education of any local school administrative unit in such county. It
17 shall be the duty of the tax-levying authorities of such county to provide in its capital outlay
18 budget for the construction or acquisition of such buildings and equipment as may be required
19 for this purpose.

20 (f) In the event of the damage or destruction of any school bus or service vehicle by fire,
21 collision, or otherwise, the board of education of the local school administrative unit which shall
22 own or operate such bus or service vehicle may apply to the State Board of Education for funds
23 with which to replace it. If the State Board of Education finds that such bus or service vehicle
24 has been destroyed or damaged to the extent that it cannot be made suitable for further use, and
25 if the State Board of Education finds that the replacement of such bus or service vehicle is
26 necessary in order to enable such local school administrative unit to operate properly its school
27 bus transportation system, the State Board of Education shall allot to the board of education of
28 such local school administrative unit from the funds now held by the State Board of Education
29 for the replacement of school buses or service vehicles, or from funds hereafter appropriated by
30 the General Assembly for that purpose, a sum sufficient to purchase a new school bus or service
31 vehicle to be used as a replacement for such damaged or destroyed bus or service vehicle and
32 upon such allocation such sum shall be paid over to or for the account of the board of education
33 of such local school administrative unit for such purpose.

34 (g) Repealed by Session Laws 2003-147, s. 3, effective for a local school administrative
35 unit when the unit is certified as being E-Procurement compliant, or April 1, 2004, whichever
36 occurs first.

37 (h) Appropriations by the General Assembly for the purchase of public school buses shall
38 not revert to the General Fund. Any unexpended portion of those appropriations shall at the end
39 of each fiscal year be transferred to a reserve account and be held, together with any other funds
40 appropriated for the purpose, for the purchase of public school buses."

41 **SECTION 2.** This act becomes effective July 1, 2019.