

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 956
Committee Substitute Favorable 6/7/93

Short Title: School Bus Driver Pay/Liability.

(Public)

Sponsors:

Referred to:

April 15, 1993

A BILL TO BE ENTITLED

AN ACT TO ENHANCE THE PAY OF SCHOOL BUS DRIVERS AND GRANT THEM ADDITIONAL PROTECTION UNDER THE TORT CLAIMS ACT.

The General Assembly of North Carolina enacts:

Section 1. The minimum pay of school bus drivers paid with State funds shall be eight dollars (\$8.00) an hour for the 1993-94 school year, eight dollars and fifty cents (\$8.50) an hour for the 1994-95 school year, nine dollars (\$9.00) an hour for the 1995-96 school year, nine dollars and fifty cents an hour (\$9.50) for the 1996-97 school year, and ten dollars (\$10.00) an hour for the 1997-98 school year.

Sec. 2. All State-paid school bus drivers shall receive 10 paid holidays during each school year beginning with the 1993-94 school year.

Sec. 3. G.S. 143-300.1(d) reads as rewritten:

"(d) The Attorney General may defend any civil action which may be brought against the driver of a public school bus or school transportation service vehicle or school bus maintenance mechanic when such driver or mechanic is paid or authorized to be paid from the State Public School Fund or when the driver is an unpaid school bus driver trainee under the supervision of an authorized employee of the Department of Transportation, Division of Motor Vehicles, or an authorized employee of a county or city board of education or administrative unit thereof. The Attorney General may afford this defense through the use of a member of ~~his~~ the Attorney General's staff or, in ~~his discretion,~~ the discretion of the Attorney General, employ private counsel. The Attorney General is authorized to pay any judgment rendered in such civil action not to exceed ~~the limit provided under the Tort Claims Act.~~ two hundred fifty thousand dollars

1 (\$250,000). The Attorney General may compromise and settle any claim covered by this
2 ~~section-subsection~~ to the extent that ~~he~~ the Attorney General finds the same to be valid,
3 up to ~~the limit provided in the Tort Claims Act,~~ two hundred fifty thousand dollars
4 (\$250,000), provided that (i) the authority granted in this subsection to settle claims
5 shall be limited to only those claims which would be within the jurisdiction of the
6 Industrial Commission under the Tort Claims Act-Act, (ii) the settlement agreement
7 provides that the driver is released from all civil liability arising from the claim, (iii) a
8 chemical analysis of the blood or urine of the driver, performed according to methods
9 approved by the Commission for Health Services by an individual possessing a current
10 permit issued by the Department of Environment, Health, and Natural Resources, shows
11 the absence of any controlled substance as defined in Article 5, Chapter 90 of the
12 General Statutes, unless the driver had acquired the substance lawfully, and (iv) the
13 driver has not been found guilty of driving while impaired."

14 Sec. 4. This act becomes effective July 1, 1993.