

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 560*

Short Title: Economical School Bus Replacement Criteria. (Public)

Sponsors: Representatives Arp, Floyd, Lucas, and Szoka (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Appropriations.

April 4, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH CRITERIA FOR SCHOOL BUS REPLACEMENT AND TO
3 PROVIDE INCENTIVES TO LOCAL SCHOOL ADMINISTRATIVE UNITS THAT
4 OPERATE BUSES WITH HIGHER MILEAGE.

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
20 equipment 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
23 buses 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
30 State funds in a given year, the State Board of Education shall consider the mileage of the bus,
31 the safety and condition of the bus, the availability of funds to replace buses, unique
32 circumstances about a given bus, and damage to or destruction of a bus. The Board shall not
33 consider the age of the bus.

34 (c2) If a school bus is operated for 250,000 miles or more but not more than 300,000
35 miles before it is replaced with State funds, the State Board of Education shall allocate a bonus



1 of two thousand dollars (\$2,000) to the local school administrative unit that owned and
2 operated the bus. If a school bus is operated for 300,000 miles or more before it is replaced
3 with State funds, the State Board of Education shall allocate a bonus of five thousand dollars
4 (\$5,000) to the local school administrative unit that owned and operated the bus. The local
5 school administrative unit may use these bonus funds for the additional maintenance costs of
6 operating buses with higher mileage or for any other school purpose.

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

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

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

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

35 (h) It is the intent of the General Assembly to appropriate sufficient funds for the annual
36 purchase of school buses to replace (i) fifteen percent (15%) of the buses in operation for more
37 than 200,000 miles, (ii) all buses in operation for 250,000 to 300,000 miles that are identified
38 by local school administrative units for replacement, and (iii) all buses in operation for 300,000
39 miles or more. In addition, it is the intent of the General Assembly to appropriate sufficient
40 funds to pay bonuses in accordance with subsection (c2) of this section.

41 Appropriations by the General Assembly for the purchase of public school buses shall not
42 revert to the General Fund. Any unexpended portion of those appropriations shall at the end of
43 each fiscal year be transferred to a reserve account and be held, together with any other funds
44 appropriated for the purpose, for the purchase of public school buses."

45 **SECTION 2.** This act becomes effective July 1, 2013.