

HOUSE
AMENDMENT

THIS AMENDMENT
ADOPTED

DRAFFIN/PAIR
MARCH 20, 2012

CLERK OF THE HOUSE

REP. MERRILL PROPOSES THE FOLLOWING AMENDMENT
No. TO H. 4610 (DOCUMENTS AND
SETTINGS\SHARONPAIR\LOCAL
SETTINGS\TEMPORARY INTERNET
FILES\CONTENT.OUTLOOK\1ARAMSNG\4025SD12):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED, BY
STRIKING ALL AFTER THE ENACTING WORDS AND
INSERTING:**

**/SECTION 1. TITLE 59 OF THE 1976 CODE IS
AMENDED BY ADDING:**

“CHAPTER 68

SCHOOL BUS DECENTRALIZATION

ARTICLE 1

GENERAL PROVISIONS

SECTION 59-68-100. THIS CHAPTER IS KNOWN AND MAY BE CITED AS THE ‘SOUTH CAROLINA SCHOOL BUS DECENTRALIZATION ACT OF 2012’.

SECTION 59-68-110. (A) THE STATE OF SOUTH CAROLINA, ON AND AFTER JULY 1, 2013, SHALL NOT OWN, PURCHASE, LEASE, OR ACQUIRE ADDITIONAL SCHOOL BUSES AS DEFINED IN SECTION 59-67-10 AND ITS PRESENT FLEET OF SCHOOL BUSES MUST BE TRANSFERRED NOT LATER THAN JUNE 30, 2013, TO THE SCHOOL DISTRICTS USING THESE BUSES IN SCHOOL SERVICE AS OF JULY 1, 2012, AS PROVIDED IN THIS CHAPTER.

(B) THE STATE OF SOUTH CAROLINA, ON AND AFTER JULY 1, 2013, SHALL NOT OWN, PURCHASE, LEASE, OR ACQUIRE ADDITIONAL SCHOOL BUS MAINTENANCE FACILITIES AND ITS PRESENT SCHOOL BUS MAINTENANCE FACILITIES MUST BE TRANSFERRED NOT LATER THAN JUNE 30, 2013, TO THE SCHOOL DISTRICTS USING THESE FACILITIES AS OF JULY 1, 2012. IF SUCH SCHOOL BUS MAINTENANCE FACILITIES ARE BEING SHARED BETWEEN TWO OR MORE SCHOOL DISTRICTS THEN THE SCHOOL BUS MAINTENANCE FACILITIES MUST BE TRANSFERRED TO THE SCHOOL DISTRICTS USING THEM ACCORDING TO THEIR PROPORTIONATE USE.

SECTION 59-68-120. (A) AFTER JUNE 30, 2012, BUT BEFORE JULY 1, 2013, THOSE SCHOOL DISTRICTS THAT DO NOT WISH TO PROVIDE SCHOOL TRANSPORTATION SERVICES FOR THE STUDENTS OF THE DISTRICT THEMSELVES, SHALL PREPARE AND PUBLISH REQUESTS FOR PROPOSALS SOLICITING RESPONSIVE BIDS FROM PRIVATE ENTITIES TO FURNISH SCHOOL TRANSPORTATION SERVICES FOR THE DISTRICT BEGINNING WITH THE 2012-2013 SCHOOL YEAR OR THEREAFTER IN THE MANNER PROVIDED BY THIS CHAPTER, OR SHALL NEGOTIATE AN AGREEMENT FOR SCHOOL TRANSPORTATION WITH A PRIVATE CARRIER IF PERMITTED UNDER STATE AND LOCAL PROCUREMENT PROVISIONS.

THE GOVERNING BODY OF THE DISTRICT THEN SHALL AWARD A CONTRACT TO A RESPONSIVE BIDDER PURSUANT TO THE BID OR NEGOTIATED AGREEMENT. THE PRIVATE ENTITIES THEN SHALL BEGIN PROVIDING SCHOOL TRANSPORTATION SERVICES TO THE SCHOOL DISTRICTS WITH WHICH THEY HAVE CONTRACTS, BEGINNING WITH THE 2012-2013 SCHOOL YEAR OR THEREAFTER.

(B) ONLY THOSE SCHOOL BUSES DETERMINED TO BE IN GOOD OPERATING CONDITION BY THE DEPARTMENT AND LESS THAN TWELVE YEARS OF AGE FROM THE DATE OF MANUFACTURE MAY BE OPERATED IN SCHOOL SERVICE AFTER JULY 1, 2018. DURING THE PERIOD BETWEEN JULY 1, 2012 AND JUNE 30, 2015, ONLY THOSE SCHOOL BUSES LESS THAN TWENTY YEARS OF AGE FROM THE DATE OF MANUFACTURE MAY BE OPERATED IN SCHOOL SERVICE, IF IN GOOD OPERATING CONDITION. DURING THE PERIOD BETWEEN JULY 1, 2015 AND JUNE 30, 2018, ONLY THOSE SCHOOL BUSES LESS THAN FIFTEEN YEARS OF AGE FROM THE DATE OF MANUFACTURE MAY BE OPERATED IN SCHOOL SERVICE, IF IN GOOD OPERATING CONDITION.

SECTION 59-68-130. FUNDS FROM AVAILABLE SOURCES DUE TO THE ELIMINATION OF THE REQUIREMENT THAT THE STATE OF SOUTH CAROLINA OBTAIN AND PROVIDE SCHOOL BUSES, INCLUDING THE ELIMINATION OF APPROPRIATIONS TO THE DEPARTMENT OF EDUCATION FOR STATE AID TO SCHOOL DISTRICTS FOR SCHOOL BUS DRIVERS, AID TO DRIVERS, AND OTHER TRANSPORTATION NEEDS, FUNDS SAVED BY THE DEPARTMENT OF EDUCATION DUE TO THE CLOSURE OF SCHOOL BUS MAINTENANCE FACILITIES, AND OTHER FUNDS, INCLUDING THOSE SET ASIDE FOR THE PURCHASE OF SCHOOL BUSES, ALL AS DETERMINED BY THE GENERAL ASSEMBLY IN THE GENERAL APPROPRIATIONS ACT, MUST BE PLACED ANNUALLY INTO A SPECIAL FUND ADMINISTERED BY THE DEPARTMENT OF EDUCATION TO BE KNOWN AS 'SCHOOL TRANSPORTATION REIMBURSEMENT FUND'. ALL INTEREST OR OTHER INCOME OF THE FUND MUST REMAIN IN THE FUND

BEGINNING WITH FISCAL YEAR 2013-2014, THE DEPARTMENT OF EDUCATION SHALL PROVIDE PAYMENTS TO SCHOOL DISTRICTS FROM THIS FUND ON A MONTHLY BASIS, AS THESE DISTRICTS BEGIN THE OPERATION OF THEIR OWN STUDENT TRANSPORTATION, EITHER BY EMPLOYING A PRIVATE CONTRACTOR, OR BY SELF-OPERATION, IN THOSE AMOUNTS DETERMINED AS PROVIDED BY THIS CHAPTER TO PARTIALLY REIMBURSE THEM IN THE FORM OF STATE AID FOR THEIR COSTS INCURRED IN PROVIDING SCHOOL TRANSPORTATION SERVICES.

SECTION 59-68-140. LOCAL SCHOOL DISTRICTS, AS AUTHORIZED BY ARTICLE 3 OF THIS CHAPTER, BY CONTRACT MAY ENGAGE PRIVATE ENTITIES PROVIDING SCHOOL TRANSPORTATION SERVICES TO PROVIDE STUDENT TRANSPORTATION SERVICES TO ALL STUDENTS WITHIN THE DISTRICT ELIGIBLE TO BE FURNISHED SCHOOL TRANSPORTATION WHERE THE STATE HAS ASSUMED THIS RESPONSIBILITY IN THE MANNER PROVIDED BY LAW OR, IN THE ALTERNATIVE, MAY PROVIDE THESE SERVICES ON ITS OWN OR TOGETHER WITH OTHER DISTRICTS. PRIVATE PROVIDERS SELECTED MUST PROVIDE COMPLETE TRANSPORTATION SERVICES FOR ALL ELIGIBLE STUDENTS IN THE DISTRICT.

SECTION 59-68-150. (A) SCHOOL BUS DRIVERS MUST BE CONSIDERED FOR EMPLOYMENT BY EITHER THE PRIVATE TRANSPORTATION ENTITY AWARDED A CONTRACT TO PROVIDE SCHOOL TRANSPORTATION SERVICES TO THE PARTICULAR DISTRICT IN WHICH THE SCHOOL BUS DRIVER WORKS OR, ALTERNATIVELY, BY THE SCHOOL DISTRICT IN WHICH THE SCHOOL BUS DRIVER WORKS IF IT ELECTS TO PROVIDE SCHOOL TRANSPORTATION SERVICES ITSELF OR TOGETHER WITH A GROUP OF OTHER DISTRICTS AS PROVIDED IN ARTICLE 3.

(B) EMPLOYEES OF SCHOOL BUS MAINTENANCE FACILITIES, WHO ARE IN GOOD STANDING, MUST BE CONSIDERED FOR EMPLOYMENT BY EITHER THE PRIVATE CONTRACTOR SELECTED TO PROVIDE SCHOOL TRANSPORTATION SERVICES IN THE MAINTENANCE AREA WHERE THE

EMPLOYEE IS EMPLOYED, OR BY A SCHOOL DISTRICT IN THE MAINTENANCE AREA WHERE THE EMPLOYEE IS EMPLOYED IF IT ELECTS TO PROVIDE ITS OWN TRANSPORTATION SERVICES INDIVIDUALLY OR TOGETHER WITH OTHER DISTRICTS.

ARTICLE 3

PROVISIONS OF TRANSPORTATION SERVICES

SECTION 59-68-300. SCHOOL DISTRICTS FURNISHING SCHOOL TRANSPORTATION SERVICES SHALL COMPLY WITH ALL REQUIREMENTS OF THIS CHAPTER AND CHAPTER 67, TITLE 59 AS ARE APPLICABLE, AND THE REGULATIONS OF THE DEPARTMENT OF EDUCATION THEREUNDER.

SECTION 59-68-310. THE MEANS OF STUDENT TRANSPORTATION TO AND FROM SCHOOL, WHETHER FURNISHED BY SCHOOL CONVEYANCES, PRIVATE CONVEYANCES, OR COMMON CARRIERS, AND CONTRACTS AND AGREEMENTS RELATING THERETO, ARE THE RESPONSIBILITY OF THE GOVERNING BODY OF A LOCAL SCHOOL DISTRICT ACCORDING TO THE TIMELINES PROVIDED IN THIS CHAPTER.

SECTION 59-68-320. INsofar AS IT IS FEASIBLE, TRANSPORTATION FOR EXCEPTIONAL STUDENTS, KINDERGARTEN STUDENTS, AND STUDENTS IN ISOLATED AREAS MUST BE INTEGRATED WITH REGULAR TRANSPORTATION SERVICES IN CASES WHERE TRANSPORTATION OF THESE STUDENTS IS PROVIDED BUT NOT REQUIRED BY LAW.

SECTION 59-68-330. WHEN A SCHOOL DISTRICT BECOMES RESPONSIBLE FOR PROVIDING ITS OWN SCHOOL TRANSPORTATION SERVICES AS PROVIDED IN THIS CHAPTER, A SCHOOL DISTRICT IS GRANTED SELF-DETERMINATION TO MAKE DECISIONS AS TO HOW TO APPROACH THEIR STUDENT TRANSPORTATION SERVICES, HOW MUCH

TO PAY, AND IN SETTING LOCAL TRANSPORTATION POLICIES WITHIN THE PARAMETERS OF STATE LAW AND REGULATIONS. FOR THIS PURPOSE, THE GOVERNING BODY OF A SCHOOL DISTRICT IS RESPONSIBLE FOR ALL ASPECTS OF SCHOOL TRANSPORTATION PROGRAMS, INCLUDING THE FOLLOWING:

(1) THE SELECTION OF MEANS OF TRANSPORTATION IN CONFORMITY WITH STATE LAW AND REGULATIONS;

(2) THE SELECTION AND APPROVAL OF APPROPRIATE VEHICLES FOR USE IN DISTRICT SERVICE AND ELIGIBLE OPERATORS WHO QUALIFY UNDER STATE LAW AND REGULATIONS;

(3) THE ESTABLISHMENT OF ROUTES, SCHEDULES, AND LOADING ZONES WHICH COMPLY WITH STATE LAWS AND REGULATIONS, TOGETHER WITH A PROVISION OF PLANNED INSTRUCTION FOR SCHOOL BUS DRIVERS SERVING IN THE DISTRICT; PROVIDED, HOWEVER, THAT IN MEETING THE REQUIREMENT FOR SCHOOL BUS DRIVER INSTRUCTION, THE DEPARTMENT OF EDUCATION IS AUTHORIZED TO CONTINUE ITS SCHOOL BUS DRIVER TRAINING PROGRAM AND OFFER THIS INSTRUCTION TO SCHOOL BUS DRIVERS OR PROSPECTIVE DRIVERS OF A SCHOOL DISTRICT OR OF A PRIVATE CONTRACTOR PROVIDING SUCH SERVICES TO A SCHOOL DISTRICT IN THIS STATE UPON THE PAYMENT OF AN APPROPRIATE FEE SET BY THE DEPARTMENT;

(4) THE ADOPTION OF POLICIES AND ESTABLISHMENT OF CRITERIA AND PROCEDURES GOVERNING:

(A) THE ELIGIBILITY OF RESIDENT STUDENTS FOR FREE TRANSPORTATION SERVICES;

(B) THE DISCIPLINE RELATED TO TRANSPORTATION OF STUDENTS AND OTHER AUTHORIZED PASSENGERS; AND

(C) FIELD TRIPS, INCLUDING THE NUMBER OF CHAPERONS AND WHETHER THE CHAPERONS MAY BE ACCOMPANIED ON FIELD TRIPS BY THEIR MINOR CHILDREN;

(5) THE FURNISHING OF ROSTERS OF STUDENTS TO BE TRANSPORTED ON EACH SCHOOL BUS RUN OR TRIP;

(6) THE MAINTENANCE OF A RECORD OF STUDENTS TRANSPORTED TO AND FROM SCHOOL, INCLUDING DETERMINATION OF STUDENTS' DISTANCES FROM HOME TO PERTINENT SCHOOL BUS LOADING ZONES;

(7) THE NEGOTIATION AND EXECUTION OF CONTRACTS OR AGREEMENTS WITH PRIVATE CONTRACTORS, DRIVERS OF DISTRICT VEHICLES AND COMMON CARRIERS;

(8) ASSURING THAT VEHICLES USED IN TRANSPORTING STUDENTS HAVE ADEQUATE LIABILITY INSURANCE COVERAGE AS REQUIRED BY THIS CHAPTER; AND

(9) ASSURING THAT THE VEHICLES PASS AN ANNUAL INSPECTION CONDUCTED UNDER THE AUSPICES OF THE STATE TRANSPORT POLICE.

SECTION 59-68-340. (A) TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE, THE GOVERNING BODY OF A SCHOOL DISTRICT MAY AT ANY TIME CONTRACT WITH A PRIVATE CONTRACTOR FOR THE FURNISHING OF TRANSPORTATION SERVICES WHERE THE PRIVATE CONTRACTOR WILL PROVIDE ALL SCHOOL BUSES, EQUIPMENT, PERSONNEL TO OPERATE, AND FACILITIES TO ACCOMPLISH THIS RESPONSIBILITY. THE DISTRICT IS RESPONSIBLE FOR THE PAYMENT OF ALL SUMS DUE UNDER THE CONTRACTS SO ENTERED INTO AND SHALL RECEIVE STATE AID TO OFFSET THE COST THEREOF ON THE BASIS PROVIDED IN SECTION 59-68-350.

(B) A SCHOOL DISTRICT ALSO IS AUTHORIZED UNDER THIS CHAPTER TO CONTRACT WITH A PRIVATE ENTITY TO OPERATE AND MAINTAIN SCHOOL BUSES OWNED BY THE DISTRICT UNDER SUCH TERMS AS THE DISTRICT AND PRIVATE ENTITY MAY AGREE. THE PROVISIONS OF THIS SUBSECTION MUST BE ACCOMPLISHED BY MEANS OF REQUESTS FOR PROPOSALS SUBJECT TO ALL APPLICABLE STATE AND LOCAL PROCUREMENT PROVISIONS, OR BY NEGOTIATED AGREEMENT IF PERMITTED UNDER STATE AND LOCAL PROCUREMENT PROCEDURES.

SECTION 59-68-350. (A) THE GENERAL ASSEMBLY DECLARES THAT STATE AID TO SCHOOL DISTRICTS FOR TRANSPORTATION SERVICES SHOULD BE A UNIFORM FIXED RATE, WITH A UNITARY DOLLAR RATE PER BUS OPERATED, PLUS A UNITARY DOLLAR RATE PER MILE OPERATED WITH A GOAL OF FAIR TREATMENT TO THE SCHOOL DISTRICT OF THE STATE, EASE OF ADMINISTRATION, AND AS LITTLE OF STATE INVOLVEMENT AS POSSIBLE.

(B) TO IMPLEMENT THE POLICY AND GOALS OF SUBSECTION (A), THE GENERAL ASSEMBLY IN THE ANNUAL GENERAL APPROPRIATIONS ACT BEGINNING WITH FISCAL YEAR 2013-2014 SHALL PROVIDE BY FORMULA FOR THE MANNER IN WHICH THE SCHOOL DISTRICTS OF THIS STATE, WHETHER OR NOT A DISTRICT PROVIDES ITS OWN TRANSPORTATION SERVICES, TRANSPORTATION SERVICES TOGETHER WITH OTHER DISTRICTS, OR CONTRACTS WITH A PRIVATE ENTITY TO PROVIDE THESE SERVICES, MUST BE REIMBURSED FROM THE SCHOOL TRANSPORTATION REIMBURSEMENT FUND FOR PART OF THE COST OF PROVIDING TRANSPORTATION SERVICES OR CAUSING THESE SERVICES TO BE PROVIDED. THIS FORMULA SHALL INCLUDE, BUT IS NOT LIMITED TO THE FOLLOWING:

(1) A BASIC ALLOWANCE PER VEHICLE TO COMPENSATE THE DISTRICT FOR THE OPERATION OF THE VEHICLE IN SCHOOL SERVICE, DEPRECIATION OF THE VEHICLE, ITS POTENTIAL REPLACEMENT, AND ITS COST OF MAINTENANCE, INCLUDING EMPLOYEE COSTS ASSOCIATED WITH THESE EXPENSES. THIS ALLOWANCE PER VEHICLE IS REQUIRED TO BE THE SAME FOR ALL VEHICLES IN SCHOOL SERVICE WITHOUT REGARD FOR VEHICLE AGE;

(2) A BASIC MILEAGE ALLOWANCE FOR THE MILES A VEHICLE IS OPERATED DURING A REIMBURSEMENT PERIOD. THIS ALLOWANCE IS REQUIRED TO BE THE SAME FOR ALL MILES DRIVEN.

(C) THE DEPARTMENT OF EDUCATION MAY REQUIRE ANY INFORMATION, SUBSTANTIATION, AND VERIFICATION IT CONSIDERS NECESSARY TO ENSURE ACCURATE REIMBURSEMENTS FROM THE

SCHOOL TRANSPORTATION REIMBURSEMENT FUND AND CONSISTENCY AND COMPLIANCE WITH THE REQUIREMENTS OF THE APPLICABLE FORMULA PROVISIONS.

SECTION 59-68-360. (A) A SCHOOL DISTRICT WHICH CONTRACTS WITH A PRIVATE ENTITY TO PROVIDE SCHOOL TRANSPORTATION SERVICES WHERE THE PRIVATE ENTITY PROVIDES ALL SERVICES AND FURNISHES AND OPERATES ITS OWN EQUIPMENT MUST DO SO IN CONFORMITY WITH ALL APPLICABLE STATE OR LOCAL PROCUREMENT PROVISIONS.

(B) ONE PRICING OPTION A DISTRICT IS AUTHORIZED TO REQUEST AND CONSIDER FROM PRIVATE CONTRACTORS IS A BASIC PRICE-PER-BUS-PER-DAY FOR AM/PM SERVICE, WITH MIDDAY ROUTES, LATE BUSES, FIELD AND ATHLETIC TRIPS PRESENTED AS SEPARATE UNIT CHARGES TO BE SELECTED AS NEEDS DICTATE. EXCEPT AS PERTAINS TO ATHLETIC TRIPS AND FIELD TRIPS, AMOUNTS DUE UNDER CONTRACTS FOR THIS PRICING OPTION CALLING FOR CHARGES PER MILE MAY NOT BE REIMBURSED FROM THE DISTRIBUTION OF STATE AID FROM THE SCHOOL TRANSPORTATION REIMBURSEMENT FUND.

SECTION 59-68-370. A SCHOOL DISTRICT, IN PROVIDING FOR ITS TRANSPORTATION SERVICES UNDER THIS CHAPTER, IS AUTHORIZED TO COMBINE ROUTES OR SERVICES ON A SHARED COST BASIS WITH OTHER DISTRICTS TO MAXIMIZE THE EFFECTIVENESS OF THE SERVICE AT A MINIMUM COST, OR TO PROVIDE IN A REQUEST FOR PROPOSALS FROM A PRIVATE CONTRACTOR FOR SHARED ROUTES OR SERVICES WITH ANOTHER DISTRICT WHICH INCLUDES SIMILAR REQUIREMENTS IN THAT DISTRICT'S REQUEST FOR PROPOSALS.

ARTICLE 5

BUS, DRIVER, PASSENGER, AND ROUTE REQUIREMENTS

SECTION 59-68-500. SCHOOL BUSES IN THIS STATE ON AND AFTER JULY 1, 2012, MUST MEET THE EQUIPMENT REQUIREMENTS AS THE GENERAL ASSEMBLY SHALL SPECIFY BY LAW, EXCEPT THAT ANY BUS OWNED BY THE STATE OR A SCHOOL DISTRICT WITHIN THE STATE AND USED IN SCHOOL SERVICE AS OF THE EFFECTIVE DATE OF THIS CHAPTER, MUST BE PERMITTED TO BE USED IN SCHOOL SERVICE UNTIL RETIRED DUE TO AN AGE IN EXCESS OF THE LIMITS PROVIDED FOR IN SECTION 59-68-120 OF THIS CHAPTER, OR UNSATISFACTORY MECHANICAL CONDITION.

SECTION 59-68-510. BEGINNING WITH THE 2012-2013 SCHOOL YEAR, SCHOOL BUS DRIVERS EMPLOYED BY A SCHOOL DISTRICT OR BY A PRIVATE CONTRACTOR MUST MEET ALL REQUIREMENTS AS PROVIDED BY STATE LAW.

SECTION 59-68-520. BEGINNING WITH THE 2012-2013 SCHOOL YEAR, SCHOOL BUS PASSENGERS AUTHORIZED TO RIDE ON A SCHOOL BUS AND THE EXTENT OF SCHOOL TRANSPORTATION SERVICES REQUIRED OR AUTHORIZED TO BE PROVIDED CONTINUE TO BE AS PROVIDED BY STATE LAW.

ARTICLE 7

LIABILITY

SECTION 59-68-700. SCHOOL DISTRICTS WHICH ELECT TO PROVIDE SCHOOL TRANSPORTATION SERVICES ON THEIR OWN WITHOUT CONTRACTING FOR SAME WITH A PRIVATE CONTRACTOR TOGETHER WITH EMPLOYEES OF THE DISTRICT ENGAGED IN PROVIDING THESE SERVICES SHALL HAVE THAT LIABILITY AS IS PROVIDED IN THE SOUTH CAROLINA TORT CLAIMS ACT IN CHAPTER 78, TITLE 15.

SECTION 59-68-710. (A) A PRIVATE ENTITY PROVIDING SCHOOL TRANSPORTATION SERVICES TO A SCHOOL DISTRICT UNDER CONTRACT AS PROVIDED IN THIS CHAPTER SHALL MAINTAIN WITH AN INSURER AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE LIABILITY INSURANCE IN CONNECTION WITH THE PROVISIONS OF THESE SERVICES IN AN AMOUNT OF AT LEAST FIVE MILLION DOLLARS FOR EACH ACCIDENT FOR EACH MOTOR VEHICLE WITH THE APPLICABLE SCHOOL DISTRICT AS A NAMED INSURED.

(B) THE POLICY UNDER THIS SECTION COVERS THE TRANSPORTATION OF PUPILS, THEIR PARENTS OR GUARDIANS, AUTHORIZED CHAPERONES, SCHOOL DISTRICT OFFICERS, FACULTY, AND EMPLOYEES AND SCHOOL DOCTORS, DENTISTS, AND NURSES:

(1) TO AND FROM THE SCHOOL OR SCHOOL DISTRICT WHICH OPERATES THE SCHOOL BUS OR CONTRACTS FOR ITS OPERATION; AND

(2) IN CONNECTION WITH ANY EXTRACURRICULAR SCHOOL ACTIVITY AUTHORIZED BY LAW.

SECTION 59-68-720. IF A SCHOOL DISTRICT ELECTS TO PROVIDE SCHOOL TRANSPORTATION SERVICES ON ITS OWN WITHOUT CONTRACTING FOR SAME WITH A PRIVATE CONTRACTOR, IT MAY NEVERTHELESS CONTRACT WITH A PRIVATE CONTRACTOR TO OPERATE AND MAINTAIN THE SCHOOL BUS EQUIPMENT OWNED BY THE DISTRICT UNDER SUCH TERMS AND CONDITIONS AS THE DISTRICT AND THE PRIVATE CONTRACTOR MAY AGREE. IN THIS INSTANCE, THE LIABILITY OF THE PRIVATE CONTRACTOR AND ITS EMPLOYEES OPERATING AND MAINTAINING THE SCHOOL DISTRICT EQUIPMENT, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IS NOT LIMITED BY THE SOUTH CAROLINA TORT CLAIMS ACT AS PROVIDED IN CHAPTER 78, TITLE 15, AND THE PRIVATE CONTRACTOR IS REQUIRED TO MAINTAIN THE INSURANCE COVERAGE PROVIDED IN SECTION 59-68-710.”

SECTION 2. A. SECTION 59-67-460 OF THE 1976 CODE IS AMENDED TO READ:

“SECTION 59-67-460. (A) ~~ANY COUNTY BOARD OF EDUCATION~~ THE GOVERNING BODY OF A SCHOOL DISTRICT MAY AT ANY TIME CONTRACT FOR ANY PART OR ALL OF ITS TRANSPORTATION SERVICES WITH PRIVATE INDIVIDUAL OR CONTRACTORS FOR THE FURNISHING OF SUCH THESE SERVICES. IN ~~ANY SUCH THIS~~ INSTANCE, THE ~~COUNTY BOARD OF EDUCATION~~ GOVERNING BODY OF THE SCHOOL DISTRICT SHALL EXECUTE THE CONTRACTS. THE ~~COUNTY BOARD~~ GOVERNING BODY OF THE SCHOOL DISTRICT SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL SUMS DUE UNDER CONTRACTS SO ENTERED INTO AND SHALL RECEIVE AID FROM THE STATE FOR PUPILS THUS TRANSPORTED ONLY ON THE BASIS OF THE AVERAGE PER PUPIL OPERATING COST OF STATE-OWNED EQUIPMENT FOR THE CURRENT YEAR AS DETERMINED BY THE STATE BOARD OF EDUCATION.

(B) THE STATE BOARD MAY ENTER INTO AGREEMENTS WITH ~~COUNTY BOARDS OF EDUCATION~~ THE GOVERNING BODY OF A SCHOOL DISTRICT WHEREBY PUPILS LIVING IN ISOLATED AREAS MAY BE TRANSPORTED BY SPECIAL ARRANGEMENTS WHEN SUCH TRANSPORTATION CAN BE PROVIDED AT LOWER COST THAN BY OPERATING A REGULAR BUS ROUTE.

(C) A SCHOOL DISTRICT OR A GROUP OF DISTRICTS IS AUTHORIZED BY CONTRACT TO HAVE THEIR SCHOOL TRANSPORTATION SERVICES PROVIDED BY A PRIVATE ENTITY WHICH FURNISHES ITS OWN BUSES, PERSONNEL, AND AUXILIARY SERVICES PRIOR TO THE REQUIRED IMPLEMENTATION DATE OF THE DISTRICT'S ASSUMPTION OF RESPONSIBILITY FOR ALL SCHOOL TRANSPORTATION SERVICES IN THE DISTRICT AS REQUIRED BY CHAPTER 68, TITLE 59.”

B. EFFECTIVE JULY 1, 2013, SECTION 59-67-460 OF THE 1976 CODE IS REPEALED.

SECTION 3. IF ANY SECTION, SUBSECTION, PARAGRAPH, SUBPARAGRAPH, SENTENCE, CLAUSE, PHRASE, OR WORD OF THIS ACT IS FOR ANY REASON HELD TO BE UNCONSTITUTIONAL OR INVALID, SUCH HOLDING SHALL NOT AFFECT THE CONSTITUTIONALITY OR VALIDITY OF THE REMAINING PORTIONS OF THIS ACT, THE GENERAL ASSEMBLY HEREBY DECLARING THAT IT WOULD HAVE PASSED THIS ACT, AND EACH AND EVERY SECTION, SUBSECTION, PARAGRAPH, SUBPARAGRAPH, SENTENCE, CLAUSE, PHRASE, AND WORD THEREOF, IRRESPECTIVE OF THE FACT THAT ANY ONE OR MORE OTHER SECTIONS, SUBSECTIONS, PARAGRAPHS, SUBPARAGRAPHS, SENTENCES, CLAUSES, PHRASES, OR WORDS HEREOF MAY BE DECLARED TO BE UNCONSTITUTIONAL, INVALID, OR OTHERWISE INEFFECTIVE.

SECTION 4. UNLESS OTHERWISE SPECIFIED, THIS ACT TAKES EFFECT UPON APPROVAL BY THE GOVERNOR. /

AMEND TITLE TO READ:

/ TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 68 TO TITLE 59 SO AS TO ENACT THE "SOUTH CAROLINA SCHOOL BUS DECENTRALIZATION ACT OF 2012", INCLUDING PROVISIONS TO PROVIDE THAT THE STATE OF SOUTH CAROLINA SHALL NOT OWN, PURCHASE, LEASE, OR ACQUIRE ADDITIONAL SCHOOL BUSES ON OR AFTER JULY 1, 2013, AND ITS PRESENT FLEET OF SCHOOL BUSES TRANSFERRED NOT LATER THAN JUNE 30, 2013, FREE OF CHARGE TO THE SCHOOL DISTRICTS USING THESE BUSES AS OF JULY 1, 2012 TO PROVIDE THAT IN THE ONE-YEAR PERIOD BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013 SCHOOL DISTRICTS INDIVIDUALLY OR TOGETHER WITH OTHER DISTRICTS SHALL TAKE ALL

PREPARATORY STEPS NECESSARY TO CONDUCT SCHOOL TRANSPORTATION SERVICES OR BY CONTRACT MAY ENGAGE A PRIVATE ENTITY TO PROVIDE SCHOOL TRANSPORTATION SERVICES WITH THE PRIVATE ENTITY PROVIDING ALL SCHOOL BUSES, PERSONNEL TO OPERATE, AND AUXILIARY SERVICES, AND TO PROVIDE FOR TERMS, CONDITIONS, PROCEDURES, AND REQUIREMENTS APPLICABLE TO THE PROVISION OF THESE SERVICES, TO PROVIDE THAT STATE SCHOOL BUS MAINTENANCE FACILITIES, NOT LATER THAN JUNE 30, 2013, MUST BE TRANSFERRED TO THE SCHOOL DISTRICT OR DISTRICTS USING THEM, TO ESTABLISH A "SCHOOL TRANSPORTATION REIMBURSEMENT FUND" CONSISTING OF SPECIFIED FUNDS WHICH MUST BE USED TO REIMBURSE SCHOOL DISTRICTS FOR THE COST OF SCHOOL TRANSPORTATION SERVICES ON A FORMULA BASIS, TO PROVIDE FOR THE LIABILITY INSURANCE REQUIREMENTS APPLICABLE TO PRIVATE ENTITIES PROVIDING SCHOOL TRANSPORTATION SERVICES AND FOR SCHOOL BUS, DRIVER, PASSENGER, AND EQUIPMENT REQUIREMENTS IN REGARD TO THESE SERVICES; TO AMEND SECTION 59-67-460, RELATING TO CONTRACTS BY SCHOOL DISTRICTS FOR TRANSPORTATION SERVICES WITH PRIVATE CONTRACTORS, SO AS TO PROVIDE THAT A SCHOOL DISTRICT OR A GROUP OF SCHOOL DISTRICTS IS AUTHORIZED BY CONTRACT TO HAVE THEIR SCHOOL TRANSPORTATION SERVICES PROVIDED BY A PRIVATE ENTITY WHICH FURNISHES ITS OWN BUSES, PERSONNEL, AND AUXILIARY SERVICES PRIOR TO THE REQUIRED IMPLEMENTATION DATE OF THE DISTRICT'S ASSUMPTION OF RESPONSIBILITY FOR ALL SCHOOL TRANSPORTATION SERVICES IN THE DISTRICT AS REQUIRED BY CHAPTER 68, TITLE 59; AND TO REPEAL

SECTION 59-67-460 EFFECTIVE ON JULY 1, 2013, WHEN THE RESPONSIBILITY TO PROVIDE SCHOOL TRANSPORTATION SERVICES IS TRANSFERRED FULLY TO THE SCHOOL DISTRICTS OF THIS STATE. /

RENUMBER SECTIONS TO CONFORM.

AMEND TITLE TO CONFORM.