**A** **BILL**

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 MODERNIZATION ACT OF 2017”, INCLUDING PROVISIONS TO PROVIDE THAT THE STATE OF SOUTH CAROLINA OR ANY OF ITS SCHOOL DISTRICTS SHALL NOT OWN, PURCHASE, OR ACQUIRE ADDITIONAL SCHOOL BUSES ON OR AFTER JULY 1, 2020, WHICH ARE MORE THAN FIFTEEN YEARS OF AGE FROM THE DATE OF MANUFACTURE, AND TO PROVIDE THAT SCHOOL BUSES NOT MEETING THE ABOVE REQUIREMENTS MAY NOT BE USED IN SCHOOL SERVICE EXCEPT UPON WAIVER OF THE DEPARTMENT OF EDUCATION; AND TO AMEND SECTION 59‑67‑460, RELATING TO CONTRACTS FOR SCHOOL TRANSPORTATION SERVICES WITH PRIVATE CONTRACTORS, SO AS TO PROVIDE THAT A SCHOOL DISTRICT UNDER CERTAIN CONDITIONS MAY CONTRACT WITH A PRIVATE PROVIDER FOR A PORTION OF ITS SCHOOL BUS TRANSPORTATION SERVICES WHERE IT DETERMINES THE AGE AND CONDITION OF THE SCHOOL BUS FLEET SERVING THAT DISTRICT IS INADEQUATE TO CONSISTENTLY ALLOW ITS STUDENTS TO BE TRANSPORTED TO OR FROM SCHOOL ON A TIMELY BASIS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 68

School Bus Modernization

Section 59‑68‑100. This chapter is known and may be cited as the ‘South Carolina School Bus Modernization Act of 2017’.

Section 59‑68‑110. (A) The State of South Carolina or any of its school districts, on and after July 1, 2020, shall not own, purchase, or acquire school buses as defined in Section 59‑67‑10, not meeting the requirements of this chapter.

(B) Only those school buses determined to be in good operating condition by the department and less than fifteen years of age from the date of manufacture may be operated in school service after July 1, 2020. If a school bus is fifteen years of age or older based on its date of manufacture, the Department of Education or the school district owning the bus shall remove it from the operating bus fleet, and may dispose of the bus at wholesale auction or otherwise sell it on the open market.

(C) The Department of Education, upon approval of the State Fiscal Accountability Authority, is authorized to delay, for a period not exceeding two years, the scheduled implementation of the provisions of subsections (A) and (B) for any school district in which these provisions for justifiable reasons, including a lack of funding, cannot be complied with.”

SECTION 2. Section 59‑67‑460 of the 1976 Code is amended to read:

“Section 59‑67‑460. (A) ~~Any county board of education may~~ The governing body of a school district at any time where it determines the age and condition of the school bus fleet serving that district is inadequate to consistently allow its students to be transported to or from school on a timely basis may contract for any part or all of its transportation services with private individuals 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 ~~Board~~ State Department of Education 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 availing itself of the provisions of this section is authorized by contract to have a specified portion of its school transportation services provided by a private entity which furnishes its own buses, personnel, and auxiliary services.”

SECTION 3. This act takes effect upon approval by the Governor.

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