**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4582**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Oremus and Trantham

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Introduced in the House on January 9, 2024

Currently residing in the House Committee on **Education and Public Works**

Summary: School bus privatization

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/16/2023 House Prefiled

11/16/2023 House Referred to Committee on **Education and Public Works**

1/9/2024 House Introduced and read first time ([House Journal‑page 89](h:\hj\20240109.docx))

1/9/2024 House Referred to Committee on **Education and Public Works** ([House Journal‑page 89](h:\hj\20240109.docx))

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**VERSIONS OF THIS BILL**

[11/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4582_20231116.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59‑67‑460, RELATING TO CONTRACTS FOR PUBLIC SCHOOL STUDENT TRANSPORTATION SERVICES WITH PRIVATE INDIVIDUALS OR CONTRACTORS, SO AS TO CLARIFY THE APPLICABILITY TO SCHOOL DISTRICTS, TO DELETE OBSOLETE LANGUAGE, AND TO PROVIDE REQUIREMENTS FOR SUCH CONTRACTS; AND BY AMENDING SECTION 59‑67‑540, RELATING TO SUPPLIES AND MAINTENANCE OF STATE‑OWNED BUSES, SO AS TO PROVIDE SCHOOL DISTRICTS MAY INCLUDE SCHOOL BUS MAINTENANCE in SUCH PRIVATE CONTRACTS BY ENTERING AN AGREEMENT WITH THE STATE DEPARTMENT OF EDUCATION THAT RELEASES THE DISTRICT TO INCLUDE SCHOOL BUS MAINTENANCE.

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

SECTION 1. Section 59‑67‑460 of the S.C. Code is amended to read:

Section 59‑67‑460. (A) Any county board of education school district may at any time contract for any part or all of its transportation services with private individuals or contractors for the furnishing of such services. In any such instance the county board of education district shall execute the contracts. The county board shall district must 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) If a district elects to provide school bus transportation services on its own by contracting with a private entity, the contract must conform to state laws and regulations of this chapter and the State Board of Education with respect to:

(1) specifications developed by the School Bus Specification Committee as established by the State Superintendent of Education; provided, however, the district may use the school bus specifications of another state if it finds the specifications to be safe, more economical, and in the public interest and the district submits a report to the department, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee detailing the methodology by which the alternative specifications were determined to be safe, more economical, and in the public interest, when compared to the specifications set forth by the School Bus Specifications Committee; and

(2) requirements for painting, lettering on the front and rear of the bus, stop arm and warning light use for loading and unloading pupils on the highway, maximum speeds, and railroad crossing stoppings;

(3) qualifications, training, responsibilities, and conduct of school bus drivers;

(4) maintenance, inspection, and safety;

(5) the transportation of handicapped children;

(6) any other provisions of this chapter that the State Board considers appropriate; and

(7) the private contractor is required to maintain the insurance coverage provided in Section 59‑68‑710. 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.

(C) The State Board may enter into agreements with county boards of education school districts 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.

SECTION 2. Section 59‑67‑540 of the S.C. Code is amended to read:

Section 59‑67‑540. (A) The Department of Transportation shall be responsible for providing all supplies required for the operation of state‑owned school buses and for maintaining them in efficient and safe mechanical condition. The department shall be reimbursed periodically by the State Board of Education for expenditures incident to the operation and maintenance of buses, but no charge by, or reimbursement to, the Department of Transportation shall be made except to cover direct and additional expenses incurred by the department on account of the performance of this service. Provided, however, that the Board of Education shall have authority to establish and operate maintenance and supply stations, on an experimental or permanent basis, if it should be determined to be of advantage to the State, and in connection therewith to acquire real property by purchase or lease.

(B) Notwithstanding the provisions of subsection (A), a school district wishing to include school bus maintenance in a contract with a private vendor may enter into an agreement with the Department of Education whereby the department releases the school district to include school bus maintenance in the private vendor contract.

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

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