

ASSEMBLY BILL NO. 117—COMMITTEE ON EDUCATION

FEBRUARY 5, 2015

Referred to Committee on Education

SUMMARY—Authorizes a school district to lease school buses or vehicles belonging to the school district in certain circumstances. (BDR 34-510)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; authorizing a school district to lease school buses or vehicles belonging to the school district in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes the board of trustees of a school district to allow school
2 buses or vehicles belonging to the school district to be used for the transportation of
3 public school pupils and children in certain circumstances. (NRS 392.360) This bill
4 authorizes a board of trustees to enter into a written agreement to lease school buses
5 or vehicles belonging to the school district for special events when a commercial
6 bus is not reasonably available under certain circumstances. This bill further
7 requires such an agreement to include certain provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 392 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. The board of trustees of a school district may authorize the***
4 ***school district to enter into a written agreement to lease school***
5 ***buses or vehicles belonging to the school district for special events***
6 ***so long as such an agreement will not interfere with or prevent the***
7 ***school district from providing transportation for pupils for the***
8 ***purposes described in NRS 392.300 and 392.360.***



* A B 1 1 7 R 1 *

2. If a school district enters into an agreement pursuant to this section, the agreement must include, without limitation, a provision:

(a) Requiring a fee in an amount which is not less than the total cost per mile for the use of a school bus or vehicle to the school district, as determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department, and any additional costs or expenses related to the use of the school bus or vehicle, including, without limitation, fuel, wear and tear, maintenance, appropriate staffing, administrative costs and an additional rental service fee;

(b) Indemnifying and holding the school district harmless against any claim, demand, judgment or legal action, whatsoever, including, without limitation, any losses, damages, legal costs or expenses incident thereto;

(c) Indemnifying and holding the driver of a school bus or vehicle harmless against any claim, demand, judgment or legal action, whatsoever, including, without limitation, any losses, damages, legal costs or expenses incident thereto incurred when acting in the scope of his or her employment;

(d) Requiring the lessee to accept responsibility for any damage to the school bus or vehicle while leased as determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department;

(e) Requiring the lessee to provide proof that the school bus or vehicle leased will be operated by a person licensed under the laws of this State to operate the particular type of bus or vehicle leased;

(f) Requiring the lessee to provide proof of insurance which covers the school bus or vehicle while operated by the lessee up to an amount determined by the transportation department of the school district, if the school district has such a department, or by the board of trustees, if the school district does not have such a department; and

(g) Requiring the lessee to give preference to a driver of a school bus or vehicle who is employed by the school district before hiring a driver of a school bus or vehicle who is not employed by the school district.

3. Except as otherwise provided in this subsection, whenever any school bus or vehicle belonging to a school district is leased, any lettering on the school bus or vehicle designating the vehicle as a school bus or vehicle must be covered and concealed, no signs or wording may be affixed to the school bus or vehicle and any system of flashing red lights or a mechanical device attached to



1 *the front of the school bus or vehicle must not be used in the*
2 *operation of the school bus or vehicle by the lessor except in the*
3 *case of an emergency. A system of flashing red lights or a*
4 *mechanical device attached to the front of the school bus or*
5 *vehicle may be used in the operation of a school bus during an*
6 *emergency.*

7 4. *A school district shall place any money collected as a result*
8 *of an agreement to lease a school bus or vehicle which exceeds the*
9 *actual cost to the school district in a fund maintained for the*
10 *replacement of school buses and vehicles belonging to the school*
11 *district.*

12 5. *A school district may not enter into an agreement pursuant*
13 *to this section if it determines that transportation by a commercial*
14 *bus is reasonably available.*

15 6. *For the purposes of this section, "special event" means an*
16 *event or series of events that does not take place during the*
17 *regular school day and is not an interscholastic contest, school*
18 *festival or other activity properly a part of a school program.*

19 **Sec. 2.** NRS 392.360 is hereby amended to read as follows:

20 392.360 1. A board of trustees of a school district may permit
21 school buses or vehicles belonging to the school district to be used
22 for the transportation of public school pupils to and from:

- 23 (a) Interscholastic contests;
24 (b) School festivals; or
25 (c) Other activities properly a part of a school program.

26 2. In addition to the use of school buses and vehicles
27 authorized pursuant to subsection 1, the board of trustees of a school
28 district may permit school buses and vehicles belonging to the
29 school district to be used for the transportation of children to and
30 from:

31 (a) Programs for the supervision of children before and after
32 school; and

33 (b) Other programs or activities that the board of trustees deems
34 appropriate,

35 ➤ regardless of whether such programs or activities are part of a
36 school program.

37 3. The use of school buses or vehicles belonging to the school
38 district for the purposes enumerated in subsections 1 and 2 is
39 governed by regulations made by the board of trustees, which must
40 not conflict with regulations of the State Board. Proper supervision
41 for each vehicle so used must be furnished by school authorities,
42 and each school bus must be operated by a driver qualified under the
43 provisions of NRS 392.300 to 392.410, inclusive **†**, and *section 1*
44 *of this act.*



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1 4. A driver shall not operate a vehicle for the purposes
2 enumerated in subsections 1 and 2 for more than 10 hours in a
3 15-hour period. The time spent operating, inspecting, loading,
4 unloading, repairing and servicing the vehicle and waiting for
5 passengers must be included in determining the 15-hour period.
6 After 10 hours of operating a vehicle, the driver must rest for 10
7 hours before he or she again operates a vehicle for such purposes.

8 5. Before January 1, 1984, the State Board shall adopt
9 regulations to carry out the provisions of subsection 4.

10 **Sec. 3.** This act becomes effective upon passage and approval.

