

Amendment No. 789

Assembly Amendment to Senate Bill No. 164 First Reprint	(BDR 34-668)
Proposed by: Assembly Committee on Education	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

KRO/RBL



Date: 5/21/2017

S.B. No. 164—Authorizes a school district to lease school buses or vehicles belonging to the school district in certain circumstances.
(BDR 34-668)



SENATE BILL NO. 164—SENATOR FARLEY

PREFILED FEBRUARY 13, 2017

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 34-668)

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:

Existing law authorizes the board of trustees of a school district to allow school buses or vehicles belonging to the school district to be used for the transportation of public school pupils and children in certain circumstances. (NRS 386.790, 386.815) This bill authorizes a board of trustees to enter into a written agreement to lease school buses or vehicles belonging to the school district for special events taking place within the county in which the school district is located when a commercial bus is not reasonably available under certain circumstances. This bill also requires that any such agreement include provisions requiring the lessee to: (1) provide a security deposit; (2) pay a fee for the use of the school bus or vehicle; (3) accept responsibility for any damage to the bus or vehicle; (4) provide indemnification to the lessor school district and the school district's bus driver against any claim; (5) provide proof that each driver is licensed under the laws of this State and proof of insurance; (6) provide proof of a permit or other approval for the special event, if required by a governmental entity; ~~and~~ (7) give preference to hiring a driver who is employed by the school district ~~+~~; and (8) acknowledge that the lessee is not entitled to the limitation on damages that applies to government employees and entities (NRS 41.035). Additionally, this bill limits the number of school buses and vehicles a school district may lease during any period of time to not more than 8.5 percent of the total number of school buses and vehicles belonging to that school district.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district may, except as otherwise provided in subsections 5 and 6, authorize the school district to enter into a written agreement to lease school buses or vehicles belonging to the school

1 district for special events that take place within the county in which the school
2 district is located, provided that such an agreement will not interfere with or
3 prevent the school district from furnishing transportation for pupils for the
4 purposes described in NRS 386.790 and 386.815.

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

7 (a) Provide a security deposit in an amount which is not less than 20 percent
8 of the estimated total amount of the fee set forth in the agreement;

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

16 (c) Indemnify and hold the school district harmless against any claim,
17 demand, judgment or legal action, whatsoever, including, without limitation, any
18 losses, damages, legal costs or expenses incident thereto;

19 (d) Indemnify and hold the driver of a school bus or vehicle harmless against
20 any claim, demand, judgment or legal action, whatsoever, including, without
21 limitation, any losses, damages, legal costs or expenses incident thereto incurred
22 when acting in the scope of his or her employment;

23 (e) Accept responsibility for any damage to the school bus or vehicle while
24 leased as determined by the transportation department of the school district, if the
25 school district has such a department, or by the board of trustees, if the school
26 district does not have such a department;

27 (f) Provide proof that the school bus or vehicle leased will be operated by a
28 person licensed under the laws of this State to operate the particular type of bus
29 or vehicle leased;

30 (g) Provide proof of insurance which covers the school bus or vehicle while
31 operated by the lessee up to an amount determined by the transportation
32 department of the school district, if the school district has such a department, or
33 by the board of trustees, if the school district does not have such a department;

34 (h) Provide proof of a permit or other approval for the special event, if
35 required by a governmental entity; ~~and~~

36 (i) Give preference to a driver of a school bus or vehicle who is employed by
37 the school district before hiring another driver who is not employed by the school
38 district ~~and~~; and

39 (j) Acknowledge that by entering into such an agreement, the lessee does not
40 become an agent or employee of the school district and is not entitled to the
41 limitation on damages set forth in NRS 41.032 to 41.038, inclusive, for any act or
42 failure to act by the lessee or an agent or employee of the lessee.

43 3. Except as otherwise provided in this subsection, whenever any school bus
44 or vehicle belonging to a school district is leased, any lettering on the school bus
45 or vehicle designating the vehicle as a school bus or vehicle must be covered and
46 concealed, no signs or wording may be affixed to the school bus or vehicle and
47 any system of flashing red lights or a mechanical device attached to the front of
48 the school bus or vehicle must not be used in the operation of the school bus or
49 vehicle by the lessee except in the case of an emergency. A system of flashing red
50 lights or a mechanical device attached to the front of the school bus or vehicle
51 may be used in the operation of a school bus or vehicle only during an
52 emergency.

4. A school district shall separately account for any money collected as a result of an agreement to lease a school bus or vehicle which exceeds the actual cost to the school district and, except as otherwise provided in this subsection, such money ~~must~~ may be used ~~for the replacement of school buses and vehicles belonging to~~ at the discretion of the school district. A school district may not use any money collected as a result of an agreement to lease a school bus or vehicle to:

(a) Settle or arbitrate disputes between a recognized organization representing employees of the school district and the school district, or to settle any negotiations; or

(b) Adjust the district-wide schedules of salaries and benefits of the employees of the school district.

5. A school district may not enter into an agreement pursuant to this section:

(a) For special events that take place outside the county in which the school district is located.

(b) If the school district determines that transportation by a commercial bus is reasonably available for a special event.

6. A school district may not lease during any period of time more than 8.5 percent of the total number of school buses and vehicles belonging to the school district.

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

Sec. 2. NRS 386.815 is hereby amended to read as follows:

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

(a) Interscholastic contests;

(b) School festivals; or

(c) Other activities properly a part of a school program.

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

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

(b) Other programs or activities that the board of trustees deems appropriate, regardless of whether such programs or activities are part of a school program.

3. The use of school buses or vehicles belonging to the school district for the purposes enumerated in subsections 1 and 2 is governed by regulations made by the board of trustees, which must not conflict with regulations of the State Board. Proper supervision for each vehicle so used must be furnished by school authorities, and each school bus must be operated by a driver qualified under the provisions of NRS 386.790 to 386.840, inclusive **H**, and section 1 of this act.

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

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

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