

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

119D0660

HOUSE BILL NO. 1193

Introduced by: Representatives Cutler, Hunt, and Wudel and Senators Rounds and Moore

1 FOR AN ACT ENTITLED, An Act to clarify the authority of federally regulated charter bus
2 service operators to provide charter bus services to schools.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-29-1 be amended to read as follows:

5 13-29-1. The school board of any school district may acquire, own, operate, or hire buses
6 for the transportation of students to and from its schools either from within or without the
7 district or for transportation to and from athletic, musical, speech, and other interscholastic
8 contests in which participation is authorized by the school board. The school district may
9 contract with a federally regulated charter bus operation to provide charter bus service for
10 transportation of students, chaperones, and employees to and from athletic, musical, speech,
11 other interscholastic contests, and special events in which participation is authorized by the
12 school board. Buses used for this purpose need not meet requirements of a school bus unless
13 such buses are used for the transportation of students to and from schools either from within or
14 without the district. If the use of a school bus is granted by the school board pursuant to
15 subdivision 49-28-2(1) or (8), the school district is not liable for suit or damages which may arise
16 as the result of the use. The school board may authorize the use of the buses owned by the board
17 for transportation of adults pursuant to subdivision 49-28-2(1) or (7). The provisions to

1 transport adults, provided in this section, shall not apply to school districts which contain a first
2 class municipality. Use of a school bus for transportation of persons enumerated in subdivision
3 49-28-2(7) is limited to providing shelter, health care, nutrition, religious activities, and other
4 necessities of life.

5 Section 2. That § 13-29-6 be amended to read as follows:

6 13-29-6. Each school bus used for the transportation of school children which is owned by
7 a school district, a nonpublic school or alternative education program or privately owned and
8 operated under a contract with a school board or nonpublic school or alternative instruction
9 program shall be inspected before the beginning of each school year by a representative of the
10 Division of Highway Patrol to certify that the vehicle complies with state law, and rules of the
11 South Dakota Board of Education, the Department of Commerce and Regulation, and the
12 Division of Highway Patrol. However, if a school bus is purchased from a licensed motor vehicle
13 dealer during the school year, the dealer may inspect and certify that the vehicle complies with
14 such law and rules. The owner of any bus certified by a dealer shall have the bus inspected by the
15 Division of Highway Patrol before the beginning of the next school year. ~~A~~ The owner of the bus
16 shall display a certificate certifying that the school bus has successfully passed the inspection ~~shall~~
17 ~~be~~ issued by the Division of Highway Patrol or the dealer in a form prescribed by the Division
18 of Highway Patrol and ~~shall be displayed~~ in the vehicle above the windshield. Any school board,
19 contractor, or person operating a school bus that has not been certified commits a petty offense.
20 This section does not apply to federally regulated charter bus service operations.

21 Section 3. That § 32-32-1 be amended to read as follows:

22 32-32-1. ~~School~~ A school bus ~~shall mean every~~ is any vehicle with a capacity of ten or more
23 pupils ~~excluding~~ and the driver owned or operated by or for a school or a school district as
24 authorized under § 13-29-1, and ~~used for the purpose of transporting~~ to transport school children
25 to and from school or ~~used~~ in connection with school activities. Buses operated by a federally

- 1 regulated charter bus service provider used in connection with school activities, other than to
- 2 transport children to and from school, need not meet the requirements of this chapter.