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Chapter No. 486  
14/HR40/R678  
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**HOUSE BILL NO. 72**

Originated in House  Clerk

HOUSE BILL NO. 72

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AN ACT TO AMEND SECTION 37-41-43, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT ANY CONTRACT ENTERED INTO BY A SCHOOL DISTRICT FOR THE OPERATION, RENTAL OR LEASING OF SCHOOL BUSES WITH PRIVATE OR PUBLIC ENTITIES, OR THE PURCHASE OF SCHOOL BUSES TO BE USED BY A SCHOOL DISTRICT TO STIPULATE IN THE CONTRACT THAT THE ENTITY FROM WHOM THE SCHOOL BUS IS RENTED, LEASED OR PURCHASED, OR WHICH IS PROVIDING THE TRANSPORTATION SERVICE, SHALL CAUSE THE REQUIRED DISTRICT-IDENTIFYING SIGNAGE TO BE PLACED ON THE BUS BEFORE DELIVERY OF THE SCHOOL BUS INTO POSSESSION OF THE SCHOOL DISTRICT; TO AMEND SECTIONS 37-41-29 AND 37-41-31, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Section 37-41-43, Mississippi Code of 1972, is amended as follows:

37-41-43. (1) All publicly owned school district buses which are hereafter acquired, and all publicly owned school district buses which shall hereafter be repainted, whether presently owned or hereafter acquired, and all publicly owned school district buses which do not have the name of the county or school district owning same painted thereon, whether such buses be owned by the county or a school district, shall have painted on

both sides thereof the name of the county or school district owning same. Such words shall be painted on each such bus in letters at least five (5) inches in height and in a color which is in contrast with the color of the vehicle.

(2) Any contract entered into by a school district for the operation, rental or leasing of school buses with private or public entities under the authority provided in Section 37-41-3, or the purchase of school buses to be used by a school district under the authority provided in Sections 37-41-29 and 37-41-31, shall stipulate in the contractual agreement that the entity from whom the school bus is rented, leased or purchased, or which is providing the transportation service, shall cause to be placed on the bus, the required district-identifying signage required under subsection (1), before delivery of the school bus into possession of the school district.

**SECTION 2.** Section 37-41-29, Mississippi Code of 1972, is amended as follows:

37-41-29. (1) It shall be the duty of the school boards, as existing private contracts providing for transportation of school pupils expire, to replace such private transportation with publicly owned transportation unless publicly owned transportation is deemed impractical. The school boards may acquire, when so requested by holders of private transportation contracts, from such holders of private transportation contracts, all buses which, in the opinion of the school boards, can be practicably operated

as units of the public transportation system. The actual market value shall be paid therefor, said value to be determined by an appraisal by three (3) experienced and impartial citizens, the selection of whom shall be mutually agreed upon by the parties thereto.

(2) It shall be the duty of the school boards to approve the continuation of present private contracts providing for transportation of school pupils, or to approve new contracts entered into whenever it is deemed that the needs of the pupils can best be served by such method of transportation. However, in no case shall the amount allotted per pupil from state funds for transportation in facilities provided by private contracts exceed the amount allowed per pupil from state funds for public transportation in the same county and district.

(3) Before any money is allocated or disbursed from the state transportation funds to any school board which is transporting children under private contracts, written contracts shall be entered into by and between the respective carriers and school boards. A copy of each contract shall be filed with the superintendent of schools. The aforesaid contract shall contain, at a minimum, the cost of services to be provided to include all necessary bus routes as well as the cost of school-approved activities such as field trips, the length of the contract, the terms of the utilization of existing pupil transportation facilities and existing fleet of buses, if applicable, the

necessary types and amounts of limits of insurance that will protect the district, to include Workers' Compensation Insurance, and the stipulation for the placement of district-identifying signage on all buses under contract, as required under Section 37-41-43. Certificates of insurance shall provide that a thirty-day prior notice of cancellation will be given to the district. The contractor shall comply with all state laws and the State Board of Education policies pertaining to pupil transportation services, including the requirement that (a) school buses used by such contractor shall comply with the Mississippi Minimum Standards for School Buses established by the State Board of Education, and (b) all school bus drivers employed by such contractor shall be trained and certified by the State Department of Education.

(4) Local school boards are not required to file a copy of any private contract for the transportation of exceptional children or the transportation of children under extraordinary circumstances with the State Board of Education.

**SECTION 3.** Section 37-41-31, Mississippi Code of 1972, is amended as follows:

37-41-31. (1) In each case where pupils are transported to and from the public schools in the school districts of this state in privately owned vehicles, the contract for such transportation shall be let to the lowest responsible bidder who is able to furnish a solvent bond for the faithful performance of his

contract. This shall be done after each route over which such pupils are to be transported has been laid out and established as provided in this chapter. Such contracts shall be awarded upon receipt of sealed bids or proposals after the time and place of letting such contracts and the manner of bidding have been duly advertised in some newspaper published in the county in accordance with the procedures provided in Section 31-7-13(c). If no newspaper is published in the county, then the advertisement shall be made by publication for the required time in some newspaper having a general circulation therein, and, in addition, by posting a copy thereof for that time in at least three (3) public places in the county, one (1) of which shall be at the county courthouse in each judicial district of the county. The awarding of all such contracts shall, however, in all respects be subject to the provisions of Section 37-41-29.

(2) Private contracts for the transportation of exceptional children, as defined in Section 37-23-3, may be negotiated by the local school board without the necessity of the advertising for or taking of bids. The same may apply under extraordinary circumstances where regular transportation is considered to be impractical. The local school board may negotiate and contract for the transportation described in this paragraph so long as the local school board complies with the school transportation regulations promulgated by the State Board of Education.

(3) Contracts shall be made for four (4) years, at the discretion of the local school board and shall include the stipulation for the placement of district-identifying signage on all buses under contract, as required under Section 37-41-43. Any and all bids may be rejected. At the expiration of any transportation contract, if the school board believes a route should remain substantially as established and finds that the carrier thereon has rendered efficient and satisfactory services it may extend the contract for not more than four (4) years, subject, however, to the provisions of Section 37-41-29.

**SECTION 4.** This act shall take effect and be in force from and after July 1, 2014.

PASSED BY THE HOUSE OF REPRESENTATIVES  
March 31, 2014



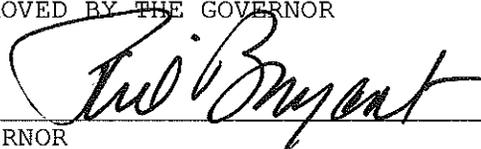
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 30, 2014



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

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