

AN ACT relating to student transportation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 156.153 is amended to read as follows:

- (1) All school buses for which bids are made or bid contracts awarded shall meet the standards and specifications of the Kentucky Department of Education.

The term "school bus," as used in this section, shall mean any motor vehicle which meets the standards and specifications for school buses as provided by law or by the standards or specifications of the Kentucky Department of Education authorized by law and used solely in transporting school children and school employees to and from school under the supervision and control and at the direction of school authorities, and shall further include school bus accessory equipment and supplies and replacement equipment considered to be reasonably adaptable for purchase from price contract agreements.

- (2) Except in cases of emergencies or for the transportation of students with disabilities, only school buses as defined in subsection (1) of this section shall be used for transporting students to and from school along regular bus routes. Districts may use district-owned vehicles that were designed and built by the manufacturer for passenger transportation when transporting nine (9) or fewer passengers, including the driver, for approved school activities. Vehicles used under this subsection shall be clearly marked as transporting students and shall be safety inspected no less than once every thirty (30) days.
- (3) As part of its regular procedure for establishing and updating school bus standards and specifications, the Kentucky Department of Education shall consider allowing school buses to operate using clean transportation fuels, as defined in KRS 186.750. If the department determines that school buses may operate using clean transportation fuels while maintaining the same or a higher degree of safety as fuels currently allowed, it shall update its standards and specifications to allow for such

use.

(4) (a) Notwithstanding the provisions of subsection (2) of this section, a local board of education may establish a policy to authorize the transportation of students in privately owned passenger vehicles on a case-by-case basis when:

1. Transportation is not available, as a practical matter, using a school bus or other district-owned vehicle; and
2. The parent or legal guardian of each student to be transported in a privately owned passenger vehicle is notified, in writing, regarding the transportation arrangement and gives written consent before the student is transported.

(b) When approval is granted by a local board for the transportation of students in a privately owned passenger vehicle, the provisions of Section 2 of this Act shall be applicable. School district employees who provide approved transportation in privately owned passenger vehicles are acting within the scope of their employment. Volunteers who provide approved transportation in privately owned passenger vehicles have the same exposure to, and protections from, risks of personal liability as do district employees acting within the scope of their employment.

(c) Students transported in privately owned passenger vehicles under this subsection shall be transported only in designated seating positions and must use the occupant crash protection system provided by the vehicle manufacturer.

(d) Nothing in this subsection shall be construed to be a waiver of sovereign immunity by the Commonwealth.

➔ Section 2. KRS 160.310 is amended to read as follows:

(1) Each board of education may set aside funds to provide for liability and indemnity

insurance against the negligence of the drivers or operators of school buses, other motor vehicles, ~~and~~ mobile equipment owned or operated by the board, and privately owned passenger vehicles used under subsection (4) of Section 1 of this Act.

- (2) If the transportation of pupils is let out under contract, the contract shall require the contractor to carry indemnity or liability insurance against negligence in such amount as the board designates.
- (3) If transportation of pupils is authorized under subsection (4) of Section 1 of this Act, the board shall require owners of passenger vehicles to show evidence of adequate insurance during the time that such vehicles are in the services of the board. The board shall maintain a record of that evidence. The Kentucky Department of Education shall promulgate administrative regulations to provide minimum requirements for adequate insurance.
- (4) The~~In either case, the~~ indemnity bond or insurance policy shall be issued by some surety or insurance company authorized to transact business in this state, and shall bind the company to pay any final judgment, not to exceed the limits of the policy, rendered against the insured for loss or damage to property of any school child or death or injury of any school child or other person.
- (5) Nothing contained in this section shall be construed to be a waiver of sovereign immunity and claims against the Commonwealth, its agencies, officers, employees, or insurers may be asserted only in the manner set forth in KRS 44.070 to 44.165.