

HOUSE BILL 393

By Fincher

AN ACT to amend Tennessee Code Annotated, Section 49-6-2109, relative to school buses.

WHEREAS, current state regulations permit school districts to use buses for periods of no more than fifteen years even if such buses at the end of fifteen years still meet or exceed all state safety guidelines and are safe for student transportation; and

WHEREAS, this regulation places a financial burden on school districts and local funding bodies to provide funds for replacement buses or the hiring of charter buses to transport students, when buses in the existing fleet are still safe; and

WHEREAS, when funds for all school needs, including transportation, are declining, students' activities, as a result, may be reduced. Lack of safe transportation on school buses with trained drivers can lead to safety concerns since students are often transported to extracurricular and other school activities by volunteers and parents in their own vehicles when no other transportation is available; and

WHEREAS, in these extraordinarily bad economic times that are affecting school systems and citizens alike, extending the approved life of school buses will assist counties in addressing the burden of transportation funding, increase school system flexibility in terms of transportation, and increase student activities, all without harming the safety of students; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-2109(b), is amended by deleting the existing language in its entirety and by substituting instead the following language:

(b) The board shall permit the use of conventional school buses for a period of twelve (12) years of service. The commissioner of education may grant waivers for an additional eight (8) years on a year-to-year basis. The owner of the bus may apply for a waiver after twelve (12) years of service on a year-to-year basis upon the following conditions:

(1) Any bus with over twelve (12) years of use, but not more than twenty (20) years of use, shall be inspected by the commissioner or the commissioner's designee at least twice annually;

(2) At such inspections, the inspector shall have the authority to require repairs or reconditioning to be made that the inspector considers necessary for the continued safe use and operation of the bus. If the local authority or owner refuses to take the required action or if the inspector considers continued use of the bus to be unsafe, the inspector shall order its removal from service;

(3) In addition to any other repairs, replacements or reconditioning required by the inspector, the steering, braking and exhaust systems of all conventional buses with over twelve (12) years of service shall be thoroughly reconditioned or replaced, as necessary, prior to any continued use; and

(4) If a school bus for which a waiver for a twentieth year of service has been granted reaches the end of such waiver within one hundred eighty (180) calendar days from the end of a school year, then such bus may continue in service to the end of such school year, or for a period of time not to exceed one hundred eighty (180) calendar days, whichever is shorter. Such school bus shall meet all requirements for continued safe use and operation, including an additional inspection by the commissioner or the commissioner's designee prior to any such continuance in service, as provided in this subdivision (b)(4).

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.