

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:

1 Existing law authorizes the board of trustees of a school district to allow school
2 buses or vehicles belonging to the school district to be used for the transportation of
3 public school pupils and children in certain circumstances. (NRS 386.790, 386.815)
4 This bill authorizes a board of trustees to enter into a written agreement to lease
5 school buses or vehicles belonging to the school district for special events when a
6 commercial bus is not reasonably available under certain circumstances. This bill
7 also requires that any such agreement include provisions requiring the lessee to: (1)
8 provide a security deposit; (2) pay a fee for the use of the school bus or vehicle; (3)
9 accept responsibility for any damage to the bus or vehicle; (4) provide
10 indemnification to the lessor school district and the school district’s bus driver
11 against any claim; (5) present proof that each driver is licensed under the laws of
12 this State and proof of insurance; and (6) give preference to hiring a driver who is
13 employed by the school district.

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

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

3 *1. The board of trustees of a school district may, except as*
4 *otherwise provided in subsection 5, authorize the school district to*



1 *enter into a written agreement to lease school buses or vehicles*
2 *belonging to the school district for special events provided that*
3 *such an agreement will not interfere with or prevent the school*
4 *district from furnishing transportation for pupils for the purposes*
5 *described in NRS 386.790 and 386.815.*

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

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

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

21 *(c) Indemnify and hold the school district harmless against*
22 *any claim, demand, judgment or legal action, whatsoever,*
23 *including, without limitation, any losses, damages, legal costs or*
24 *expenses incident thereto;*

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

30 *(e) Accept responsibility for any damage to the school bus or*
31 *vehicle while leased as determined by the transportation*
32 *department of the school district, if the school district has such a*
33 *department, or by the board of trustees, if the school district does*
34 *not have such a department;*

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

38 *(g) Provide proof of insurance which covers the school bus or*
39 *vehicle while operated by the lessee up to an amount determined*
40 *by the transportation department of the school district, if the*
41 *school district has such a department, or by the board of trustees,*
42 *if the school district does not have such a department; and*

43 *(h) Give preference to a driver of a school bus or vehicle who*
44 *is employed by the school district before hiring another driver who*
45 *is not employed by the school district.*



1 3. *Except as otherwise provided in this subsection, whenever*
2 *any school bus or vehicle belonging to a school district is leased,*
3 *any lettering on the school bus or vehicle designating the vehicle*
4 *as a school bus or vehicle must be covered and concealed, no signs*
5 *or wording may be affixed to the school bus or vehicle and any*
6 *system of flashing red lights or a mechanical device attached to*
7 *the front of the school bus or vehicle must not be used in the*
8 *operation of the school bus or vehicle by the lessee except in the*
9 *case of an emergency. A system of flashing red lights or a*
10 *mechanical device attached to the front of the school bus or*
11 *vehicle may be used in the operation of a school bus or vehicle*
12 *only during an emergency.*

13 4. *A school district shall separately account for any money*
14 *collected as a result of an agreement to lease a school bus or*
15 *vehicle which exceeds the actual cost to the school district and*
16 *such money must be used for the replacement of school buses and*
17 *vehicles belonging to the school district.*

18 5. *A school district may not enter into an agreement pursuant*
19 *to this section if it determines that transportation by a commercial*
20 *bus is reasonably available for a special event.*

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

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

26 386.815 1. A board of trustees of a school district may permit
27 school buses or vehicles belonging to the school district to be used
28 for the transportation of public school pupils to and from:

- 29 (a) Interscholastic contests;
30 (b) School festivals; or
31 (c) Other activities properly a part of a school program.

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

- 37 (a) Programs for the supervision of children before and after
38 school; and
39 (b) Other programs or activities that the board of trustees deems
40 appropriate,
41 ↳ regardless of whether such programs or activities are part of a
42 school program.

43 3. The use of school buses or vehicles belonging to the school
44 district for the purposes enumerated in subsections 1 and 2 is
45 governed by regulations made by the board of trustees, which must



1 not conflict with regulations of the State Board. Proper supervision
2 for each vehicle so used must be furnished by school authorities,
3 and each school bus must be operated by a driver qualified under the
4 provisions of NRS 386.790 to 386.840, inclusive ~~†~~, and *section 1*
5 *of this act.*

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

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

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

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