MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Hood To: Education

HOUSE BILL NO. 414

AN ACT TO AMEND SECTION 37-41-27, MISSISSIPPI CODE OF 1972, TO AUTHORIZE SCHOOL BOARDS TO ALLOW MOTOR VEHICLES OTHER THAN SCHOOL BUSES TO BE USED TO TRANSPORT SMALL GROUPS OF STUDENTS FOR SCHOOL-RELATED ACTIVITIES; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-41-27, Mississippi Code of 1972, is amended as follows:

37-41-27. (1) The local school boards, subject to rules and regulations promulgated by the State Board of Education, may permit the use of publicly owned school buses for the transportation of participating students, teachers, coaches and sponsors in connection with athletic events, events of boys' and girls' clubs, events of Future Farmers of America or 4-H Clubs and special events in connection with the schools which the boards may consider a part of the educational program. The local school boards, subject to rules and regulations promulgated by the State Board of Education, may permit the use of publicly owned school buses for the transportation of citizens for grand jury and other jury functions upon order of the court or as considered necessary

by the school board during natural or man-made emergencies, hurricanes, tornadoes, floods and other acts of God. The local school boards, subject to rules and regulations promulgated by the State Board of Education, may permit the use of publicly owned school buses for the transportation of citizens attending an air show or historic commemorative event held on a military base or military park located in the school district; provided that such determination shall be made upon the minutes of the school board and shall include an agreement with the military base or military park that it will indemnify and hold the school district harmless in any action regarding such transportation.

(2) (a) Local school boards may regularly permit the use of motor vehicles other than school buses when the transportation is for trips to and from school sites or * * * for school-related functions and activities; however, motor vehicles other than school buses may not be used for customary transportation between a student's residence and such sites.

(b) When the transportation of students is provided, as authorized in this subsection, in a vehicle other than a school bus that is owned, operated, rented, contracted, or leased by a school district or charter school, the following provisions shall apply:

(i) The vehicle must be a passenger car or multipurpose passenger vehicle or truck, as defined in 49 C.F.R. Part 571, designed to transport fewer than * * * sixteen (16)

students and which does not require a commercial driver's license with passenger endorsement. Students must be transported in designated seating positions and must use the occupant crash protection system provided by the manufacturer unless the student's physical condition prohibits such use.

(ii) An authorized vehicle may not be driven by a student on a public right-of-way. An authorized vehicle may be driven by a student on school or private property as part of the student's educational curriculum if no other student is in the vehicle.

(iii) The driver of an authorized vehicle transporting students must maintain a valid driver's license and must comply with the requirements of the school district's locally adopted safe driver plan, which includes review of driving records for disqualifying violations.

(iv) The local school board must adopt a policy that addresses procedures and liability for trips under this paragraph, including a provision that school buses are to be used whenever practical and specifying consequences for violation of the policy.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

ST: School transportation; authorize motor vehicles other than buses for small groups of students traveling to school activities.