

1 SB373  
2 167555-1  
3 By Senators Pittman, Chambliss, Albritton, Marsh, Scofield,  
4 Sanford, Glover, Holley, Livingston, McClendon, Allen,  
5 Shelnutt, Ward, Reed, Waggoner, Beasley, Stutts, Melson, Dial  
6 and Williams  
7 RFD: Finance and Taxation Education  
8 First Read: 14-APR-15

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8 SYNOPSIS: Under existing law, local boards of  
9 education are allocated funds annually for  
10 transportation operations and for the replacement  
11 of school buses. The amount allocated for the  
12 replacement of school buses is based on a ten-year  
13 replacement schedule established by the State Board  
14 of Education.

15 This bill would establish a twelve-year  
16 replacement schedule and allow local boards of  
17 education to apply for waivers for the use of buses  
18 in operation beyond the twelve-year replacement  
19 schedule.  
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21 A BILL  
22 TO BE ENTITLED  
23 AN ACT  
24

25 To amend Section 16-13-233, Code of Alabama 1975,  
26 relating to the allowance for transportation; to establish a  
27 twelve-year bus replacement schedule; and to allow local

1 boards of education to apply for waivers for the use of buses  
2 in operation beyond the twelve-year replacement schedule.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 16-13-233, Code of Alabama 1975,  
5 is amended to read as follows:

6 "§16-13-233.

7 "(a) The allowance for transportation for those  
8 local boards of education providing same shall be determined  
9 as follows for any local board of education: The number of  
10 pupils transported on transportation routes approved under  
11 regulations of the State Board of Education shall be  
12 multiplied by an amount per pupil which is to be fixed by the  
13 State Board of Education and applied to local boards of  
14 education within groups having similar density of population;  
15 provided, that studies shall be made from time to time to  
16 determine whether the cost allowed per pupil or the cost unit  
17 should be changed in any or all local boards of education. In  
18 determining the amount to be allotted for transportation, said  
19 allotment shall include an allowance for transportation in  
20 accordance with the provisions of Section 16-39-11; however,  
21 no allowance shall be made for transporting pupils who live  
22 less than two miles from the school they are attending unless  
23 such pupils can be shown to be disabled and require  
24 transportation. Upon a petition to the State Superintendent of  
25 Education by the local board of education, the two mile limit  
26 may be waived by the State Superintendent of Education to  
27 protect the safety of the children. The total amount allotted

1 any local board of education for transportation shall not  
2 exceed a figure determined by the State Board of Education in  
3 terms of the ratio between pupils transported to school and  
4 the total number of pupils attending school in the  
5 jurisdiction of such local board of education or some similar  
6 ratio established by the State Board of Education. Any local  
7 board of education which qualifies for a transportation  
8 allowance must provide buses which meet minimum standards  
9 established by the State Board of Education and must take such  
10 other steps to protect the safety of the children as are  
11 required under regulations of the State Board of Education.

12 "(b) The allowance for transportation provided in  
13 (a) above shall include funding for depreciation based on a  
14 twelve-year depreciation schedule, except as otherwise  
15 provided in subsection (c) established by the State Board of  
16 Education. The depreciation funding included in the  
17 transportation allowance shall be set aside in a restricted  
18 fund by the local boards of education for fleet renewal only  
19 and shall not be used for operating costs. These  
20 transportation cost allowance depreciation funds shall not  
21 revert to the Education Trust Fund but shall be carried  
22 forward from fiscal year to fiscal year to renew the  
23 transportation fleet of the local boards of education.

24 "(c) The State Superintendent of Education may grant  
25 waivers for an additional three (3) years on a year-to-year  
26 basis. Waivers for buses in operation for more than

1 twelve-years may be applied for on a year-to-year basis upon  
2 the following conditions:

3 "(1) Any bus with over twelve (12) years of use, but  
4 not more than fifteen (15) years of use, shall be inspected by  
5 the State Superintendent of Education, or his or her designee,  
6 at least twice annually;

7 "(2) At such inspections, the inspector shall have  
8 the authority to require repairs or reconditioning to be made  
9 which the inspector considers necessary for the continued safe  
10 use and operation of the bus. If the local board of education  
11 or owner refuses to take the required action of if the  
12 inspector considers continued use of the bus to be unsafe, the  
13 inspector shall order its removal from service;

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

20 "(4) If a school bus for which a waiver for a  
21 fifteenth year of service has been granted reaches the end of  
22 such waiver within one hundred eighty (180) calendar days from  
23 the end of a school year, then such bus may continue in  
24 service to the end of such school year, or for a period of  
25 time not to exceed one hundred eighty (180) calendar days,  
26 whichever is shorter. Such school bus shall meet all  
27 requirements for continued safe use and operation, including

1       an additional inspection by the State Superintendent of  
2       Education, or his or her designee, prior to any such  
3       continuance in service, as provided in this subdivision  
4       (c) (4)."

5                   Section 2. This act shall become effective  
6       immediately following its passage and approval by the  
7       Governor, or its otherwise becoming law.