

By: Senator(s) DeLano

To: Education

SENATE BILL NO. 2887

1 AN ACT TO BRING FORWARD SECTIONS 37-41-81, 37-41-83, 37-41-85
2 AND 37-41-101, MISSISSIPPI CODE OF 1972, WHICH ALLOW FOR THE
3 PURCHASE OF SCHOOL TRANSPORTATION VEHICLES AND EQUIPMENT, FOR THE
4 PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 37-41-81, Mississippi Code of 1972, is
7 brought forward as follows:

8 37-41-81. The local school boards of this state are hereby
9 authorized and empowered to purchase, own and operate, under such
10 rules and regulations as may be prescribed by the State Board of
11 Education, motor vehicles and other equipment for the
12 transportation of children to and from the public schools of the
13 respective counties and school districts, and to provide for the
14 servicing, repair, care and maintenance of such county or
15 district-owned motor vehicles and to employ drivers for the
16 operation thereof, and to establish, erect and equip school bus
17 shops or garages, and purchase land therefor, all under such rules
18 and regulations as may be prescribed by the State Board of
19 Education.



20 **SECTION 2.** Section 37-41-83, Mississippi Code of 1972, is
21 brought forward as follows:

22 37-41-83. The school boards are authorized and empowered to
23 expend the necessary amounts from the available transportation
24 funds of the school district for the purchase of such
25 transportation equipment, the servicing, repair and maintenance
26 thereof and for the payment of the salaries of persons employed to
27 drive or operate such transportation equipment, and to establish,
28 erect and equip school bus shops or garages, and purchase land
29 therefor.

30 **SECTION 3.** Section 37-41-85, Mississippi Code of 1972, is
31 brought forward as follows:

32 37-41-85. No school board shall purchase any school bus or
33 pupil transportation service vehicle as authorized by Section
34 37-41-81 except in the manner prescribed in Section 37-41-101. No
35 school bus shall be purchased or otherwise acquired which does not
36 conform to the specifications provided by the State Board of
37 Education.

38 **SECTION 4.** Section 37-41-101, Mississippi Code of 1972, is
39 brought forward as follows:

40 37-41-101. (1) The State Board of Education is hereby
41 authorized, empowered and directed to advertise for and receive
42 sealed bids and proposals for sale of school bus bodies and school
43 buses sold as complete units to the school boards of school
44 districts in this state. The State Board of Education shall



45 approve persons, firms, corporations or associations authorized to
46 sell school bus bodies and school buses sold as complete units,
47 and shall establish prices relative thereto based upon the lowest
48 and best bids, which school districts may not exceed in purchasing
49 such equipment. In determining the lowest and best bids received
50 for such equipment, there shall be included as part of the total
51 cost thereof any transportation or freight charges which will be
52 incurred. The State Board of Education may permit all such
53 bidders to sell said equipment provided that the bidders agree to
54 sell the equipment at prices established based upon the lowest and
55 best bid and in compliance with rules and regulations relative
56 thereto promulgated by the state board. Persons, firms,
57 corporations or associations permitted to sell school bus bodies
58 and school buses sold as complete units shall be limited to those
59 actually submitting bids for consideration by the State Board of
60 Education. The State Board of Education shall reserve the right
61 to reject any and all bids submitted.

62 (2) School boards may purchase school bus bodies and school
63 buses sold as complete units without additional advertisement for
64 bids, provided that the prices for such equipment do not exceed
65 the maximum allowable prices established under the provisions of
66 subsection (1) of this section, and that said purchases are in
67 compliance with the conditions specified therein. All such
68 purchases shall be subject to the approval of the State Department
69 of Education, which shall verify compliance with the applicable



70 specifications, rules and regulations promulgated by the State
71 Board of Education.

72 (3) In addition to the method of purchasing authorized under
73 this section, school boards are hereby authorized to advertise for
74 and accept the lowest and best bid received for the purchase of
75 school bus chassis and/or pupil transportation service vehicles.
76 Provided, however, that local school governing boards may purchase
77 school bus chassis and/or pupil transportation service vehicles
78 from any motor vehicle dealer domiciled within the county of such
79 governing board, whose bid does not exceed a sum equal to three
80 percent (3%) greater than the price or cost which the dealer pays
81 the manufacturer, as evidenced by the factory invoice for such
82 vehicles. In the event said county does not have an authorized
83 motor vehicle dealer, said board may, in like manner, receive and
84 accept bids from motor vehicle dealers in any adjoining county.
85 No purchase of school bus chassis or service vehicles under the
86 provisions of this subsection shall be valid unless the purchase
87 is made according to statutory bidding and licensing requirements.
88 All purchases under provisions of this subsection shall be subject
89 to the approval of the State Department of Education, which shall
90 verify compliance with the applicable specifications, rules and
91 regulations promulgated by the State Board of Education.

92 (4) Upon application to and approval by the State Department
93 of Education, school governing boards are hereby authorized to
94 purchase used school buses and used pupil transportation service



95 vehicles, provided that said vehicles meet applicable
96 specifications and the purchase price does not exceed their fair
97 market value. Said fair market value shall be determined by an
98 appraisal by three (3) experienced and impartial citizens, the
99 selection of whom shall be mutually agreed upon by the parties
100 thereto. Said appraisers may be subject to approval by the State
101 Department of Education. Maximum regard for pupil safety and
102 adequate protection of health shall be primary requirements which
103 shall be observed by local school governing boards in purchasing
104 used school buses. The State Department of Education may inspect
105 or have inspected any used school bus prior to purchase to
106 determine whether said bus meets requirements of law and
107 regulations of the state board.

108 (5) In the event the school board shall have determined that
109 school buses or pupil transportation service vehicles are no
110 longer needed for the transportation of pupils in such school
111 district, such equipment may be sold to another school district
112 without the necessity of advertising for bids. The school
113 district proposing to sell the buses or service vehicles and the
114 school district proposing to purchase such equipment shall agree
115 upon a fair and reasonable price therefor. The agreement shall be
116 spread upon the minutes of the boards of the respective school
117 districts and shall be subject to the prior approval of the State
118 Department of Education, which shall verify compliance with



119 applicable specifications, rules and regulations of the State
120 Board of Education.

121 **SECTION 5.** This act shall take effect and be in force from
122 and after July 1, 2022.

