

By: Senator(s) DeLano

To: Education

SENATE BILL NO. 2887
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-41-81, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT SCHOOL BOARDS MAY PURCHASE, OWN AND OPERATE
3 ELECTRIC VEHICLES FOR THE TRANSPORTATION OF CHILDREN TO AND FROM
4 PUBLIC SCHOOLS; TO BRING FORWARD SECTIONS 37-41-83, 37-41-85 AND
5 37-41-101, MISSISSIPPI CODE OF 1972, WHICH ALLOW FOR THE PURCHASE
6 OF SCHOOL TRANSPORTATION VEHICLES AND EQUIPMENT, FOR THE PURPOSE
7 OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 37-41-81, Mississippi Code of 1972, is
10 amended as follows:

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



21 and regulations as may be prescribed by the State Board of
22 Education.

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

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

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

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

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

43 37-41-101. (1) The State Board of Education is hereby
44 authorized, empowered and directed to advertise for and receive
45 sealed bids and proposals for sale of school bus bodies and school



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

65 (2) School boards may purchase school bus bodies and school
66 buses sold as complete units without additional advertisement for
67 bids, provided that the prices for such equipment do not exceed
68 the maximum allowable prices established under the provisions of
69 subsection (1) of this section, and that said purchases are in
70 compliance with the conditions specified therein. All such



71 purchases shall be subject to the approval of the State Department
72 of Education, which shall verify compliance with the applicable
73 specifications, rules and regulations promulgated by the State
74 Board of Education.

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



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

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



120 districts and shall be subject to the prior approval of the State
121 Department of Education, which shall verify compliance with
122 applicable specifications, rules and regulations of the State
123 Board of Education.

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

