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**HOUSE BILL 108**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Debbie A. Rodella**

**AN ACT**

**RELATING TO PUBLIC SCHOOL TRANSPORTATION; PROVIDING FOR STATUS  
CHANGES FOR ONE-BUS CONTRACTORS; AMENDING A SECTION OF THE  
NMSA 1978; DECLARING AN EMERGENCY.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. Section 22-16-3 NMSA 1978 (being Laws 1967,  
Chapter 16, Section 221, as amended) is amended to read:**

**"22-16-3. SCHOOL BUS SERVICE CONTRACTS. --**

**A. A school district may provide transportation  
services to students through the use of school bus service  
contracts. School districts may enter into school bus service  
contracts with individual school bus owner-operators or with  
school bus fleet owners or with both. A school district shall  
not enter into any school bus fleet service contract with any  
person who is simultaneously employed by that school district**

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1 as an individual school bus owner-operator.

2 B. All contracts entered into by a school district  
3 to provide school bus service to students attending public  
4 school within the school district shall be approved by the  
5 local school board. The contracts shall be in writing on  
6 forms approved by the state board.

7 C. In addition to approving the form of the  
8 contract, the state board shall, by [~~regulation~~] rule,  
9 establish the parameters of school bus service contracts to  
10 include recognition of fuel costs, operation and maintenance  
11 costs and employee salary and benefits costs. In entering  
12 into school bus service contracts, school districts shall give  
13 preference to in-state service providers and the use of  
14 multiple providers. Upon request, the department of education  
15 shall provide assistance to local school districts in the  
16 negotiation and award of school bus service contracts.

17 D. A school district may enter into a school bus  
18 service contract for a term not to exceed five years. A  
19 school bus service contract may provide, at the expiration of  
20 the term of the contract, for annual renewal of the school bus  
21 service contract on the same terms and conditions at the  
22 option of the local school board.

23 E. In the event a contract with a school bus  
24 operator is terminated, the buses owned by the operator that  
25 are used pursuant to his school bus service contract shall be

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1 appraised by three qualified appraisers appointed by the local  
2 school board and approved by the state transportation  
3 director. The operator succeeding to the contract shall  
4 purchase, with the approval of the operator whose contract was  
5 terminated, all of the buses owned by the former operator at  
6 their appraised value.

7 F. Notwithstanding any provisions in the  
8 Procurement Code or any other provision of law to the  
9 contrary, a person who has a service contract as an individual  
10 school bus owner-operator may exercise an option to convert  
11 his contract to a fleet operator contract without being  
12 required to submit to a competitive bidding process."

13 Section 2. EMERGENCY.--It is necessary for the public  
14 peace, health and safety that this act take effect  
15 immediately.