

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 1332
HOUSE BILL 1770

AN ACT TO PROVIDE THAT TRAINEE SCHOOL BUS DRIVERS ARE COVERED BY
THE STATE TORT CLAIM ACT.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 143-300.1(a) is rewritten to read:

"(a) The North Carolina Industrial Commission shall have jurisdiction to hear and determine tort claims against any county board of education or any city board of education, which claims arise as a result of any alleged mechanical defects or other defects which may affect the safe operation of a public school bus or school transportation service vehicle resulting from an alleged negligent act of maintenance personnel or as a result of any alleged negligent act or omission of the driver of a public school bus or school transportation service vehicle when:

- (1) the salary of that driver is paid or authorized to be paid from the State Public School Fund, and the driver is an employee of the county or city administrative unit of which that board is the governing body, or
- (2) the driver is an unpaid school bus driver trainee under the supervision of an authorized employee of the Department of Transportation, Division of Motor Vehicles, or an authorized employee of that board or a county or city administrative unit thereof,

and which driver was at the time of the alleged negligent act or omission operating a public school bus or school transportation service vehicle in the course of his employment by or training for that administrative unit or board."

Sec. 2. G.S. 143-300.1(d) is amended by deleting the period at the end of the first sentence and adding the following:

"or when the driver is an unpaid school bus driver trainee under the supervision of an authorized employee of the Department of Transportation, Division of Motor Vehicles, or an authorized employee of a county or city board of education or administrative unit thereof."

Sec. 3. Awards and judgments rendered under the provisions of this act shall be paid, during fiscal year 1980-81, from funds appropriated to the Public School Fund for Workers' Compensation claims and for claims for injuries to pupils. If appropriated funds for these purposes are insufficient to pay all awards and judgments entered in fiscal year 1980-81, the controller of the State Board of Education shall apply to the Director of the Budget for permission to make an internal budget transfer within the Public School Fund to cover the deficit.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.