

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 1102
HOUSE BILL 785

1 AN ACT TO REQUIRE COUNTY AND CITY BOARDS OF EDUCATION TO DEFEND IN
2 GOOD FAITH TORT CLAIMS IN EXCESS OF \$1,000.00 BASED ON ALLEGED
3 NEGLIGENCE OF DRIVERS OF PUBLIC SCHOOL BUSES, AND TO MAKE THE
4 TORT CLAIM ACT APPLICABLE TO SCHOOL TRANSPORTATION SERVICE
5 VEHICLES.

6
7 The General Assembly of North Carolina do enact:
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9 **Section 1.** Subsection (a) of G.S. 143-300.1 is hereby amended by inserting after
10 the word "bus" and before the word "who" in the fifth line of said subsection, the following: "or
11 school transportation service vehicle when the salary of such driver is paid from the State nine
12 months' school fund."

13 Further amend said Subsection (a) of G.S. 143-300.1 by inserting after the word
14 "bus" and before the word "in" in the seventh line of said subsection, the following: "or school
15 transportation service vehicle".

16 **Sec. 2.** Amend Subsection (c) of G.S. 143-300.1 by adding a proviso at the end of
17 said Subsection (c), which shall read as follows:

18 "Provided, that in all claims made hereunder in which the award made by the North
19 Carolina Industrial Commission is in excess of one thousand dollars (\$1,000.00) the State
20 Board of Education shall not honor or pay any requisition drawn upon it for such award unless
21 the County or City Board of Education involved shall have contested and defended against such
22 claim in good faith and with the services of its attorney, and if said County or City Board of
23 Education does not so contest and defend them the County or City Board of Education against
24 which the claim was filed shall pay the award: Provided, further, that nothing herein shall
25 prohibit the attorney for any such Board of Education, after due investigation, from negotiating
26 for and entering into a settlement of such claim if such settlement is approved by the Board of
27 Education concerned and the North Carolina Industrial Commission."

28 **Sec. 3.** Subsection (d) of G.S. 143-300.1 is hereby amended by inserting after the
29 word "bus" and before the word "or" in the third line of said Subsection (d), the following: "or
30 for school transportation service vehicle".

31 **Sec. 4.** Amend G.S. 115-53, Volume 3A, Replacement 1960, by rewriting the
32 proviso at the end of the next to the last paragraph of said Section, so that said proviso shall
33 read as follows:

34 "Provided, that this Section shall not apply to claims for damages caused by the negligent
35 acts or torts of public school bus, or school transportation service vehicle drivers, while driving
36 school busses and school transportation service vehicles when the operation of such school
37 busses and service vehicles is paid from the State nine months' school fund."

38 **Sec. 5.** All laws and clauses of laws in conflict with the provisions of this Act are
39 hereby repealed.

40 **Sec. 6.** This Act shall be in full force and effect from and after its ratification.

41 In the General Assembly read three times and ratified, this the 21st day of June,
42 1961.