

## 22-17-2. Department of transportation permits.

- A. Subject to the Emergency Transportation Act, the department of transportation may approve a permit application of a school district operating its own school buses or of an independent school bus operator who operates school buses under contract with a school district for the operation of such buses for general public transportation if the department of transportation determines that:
- 1) the school district operating its own school buses or the independent school bus operator has complied with laws, regulations and other requirements governing transportation of the general public;
  - 2) existing public or private transportation systems will not be adversely affected by the use of school buses for general public transportation; and
  - 3) a public transportation emergency exists within the proposed area of operation necessitating the use of school buses for general public transportation.
- B. Notice of approval or denial of the permit application shall be submitted to the state transportation director and to the applicant within ten days of final determination by the department of transportation.
- C. As used in the Emergency Transportation Act, "public transportation emergency" includes an event:
- 1) that is open to the public;
  - 2) that, if in a class A county, is expected to attract over fifty thousand visitors and residents;
  - 3) that has such insurance or surety as is necessary to insure against all losses and damages proximately caused by or resulting from the negligent operation, maintenance or use of school buses or for loss of or damage to property of others; and
  - 4) for which school buses are needed to transport the public to the event because:
    - a) existing public transportation systems cannot adequately and timely transport the public to the event;
    - b) private transportation systems are unavailable or prohibitively expensive; or
    - c) the event and the surrounding area are likely to suffer economic hardship if school buses are not utilized pursuant to the Emergency Transportation Act.

**History:** 1953 Comp., § 77-14A-2, enacted by Laws 1974, ch. 38, § 2; [2001, ch. 48, § 2](#); [2023, ch. 100, § 9](#).