

The board of trustees and employees of this district are individually immune from tort liability with regard to any decision by the board or by an employee to utilize a motor vehicle that does not comply with federal transit administrative regulations—to wit “bus testing,” 49 CFR, part 665, and any revision thereto—for the transport of students within the state of Idaho; this immunity is limited only to that decision by the individual member of the board or by an employee with regard to the utilization of such vehicle or vehicles, and does not grant immunity to any school district, driver, vehicle owner or other individual or entity, public or private, with regard to any claim relating to any conduct thereby, including gross negligence, negligence, recklessness, willful or wanton conduct or any claim resulting in injury or damage relating to the use of the vehicle. Further, immunity is only valid if the vehicle or vehicles in question comply with all vehicle safety requirements of the state of Idaho.

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LEGAL REFERENCE:

Idaho Code Section 6-904D
49 CFR, part 665

ADOPTED: January 12, 2000