

Bond Case Briefs

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Irving v. Charlotte-Mecklenburg Bd. of Educ.

Supreme Court of North Carolina - January 29, 2016 - S.E.2d - 2016 WL 363595

Motorist brought action under Tort Claims Act against board of education, alleging negligence when activity bus owned by board and operated by football coach collided with rear of motorist's vehicle. The Industrial Commission granted board's motion for summary judgment. Motorist appealed. The Court of Appeals reversed and remanded. Board sought review.

The Supreme Court of North Carolina held that a school activity bus is not a school transportation vehicle so as to limit waiver of governmental immunity from lawsuits and as would confer jurisdiction over claim upon Commission.

A school activity bus is not a "school transportation service vehicle" so as to limit waiver of governmental immunity from lawsuits against county and city boards of education for negligent operation of school buses and school transportation service vehicles when certain criteria are met, and as would confer jurisdiction upon Industrial Commission to hear such claims. General Assembly and State Board of Education defined and managed school buses, activity buses, and school transportation service vehicles as distinct categories of vehicles, and legislature gave them differing treatment in other relevant respects.