



**Testimony before the Transportation Committee of the General Assembly
On Raised House Bills 5178, 5325 and 5683
Submitted by Heather Petit, Senior Special Projects Coordinator
Commission on Women, Children and Seniors
January 30, 2017**

Senator Boucher, Senator Leone, Representative Guerrera, ranking members, and members of the Transportation Committee:

Thank you for the opportunity to testify on these proposals before you. My name is Heather Petit and I am the Senior Special Projects Coordinator of the General Assembly's Commission on Women, Children and Seniors. I am here today to speak in favor of:

- H.B. No. 5178 (RAISED) AN ACT REQUIRING THREE-POINT SEAT SAFETY BELTS FOR SCHOOL BUSES
- H.B. No. 5325 (RAISED) AN ACT INFORMING SCHOOL DISTRICTS OF THE SCHOOL BUS SEAT BELT ACCOUNT
- H.B. No. 5683 (RAISED) AN ACT CONCERNING SCHOOL DISTRICTS AND THE SCHOOL BUS SEAT BELT ACCOUNT

House Bill 5178 would require that all school buses model 2022 or newer be equipped with three-point seat safety belts. Seat belts have been required in passenger cars since 1968 and play an important role in keeping occupants safe.ⁱ The current law in Connecticut requires that children ride in a car seat or booster until they reach the age of 7 and weigh at least 60 pounds (both requirements must be met). Children who ride in a booster seat must use a lap and shoulder belt.ⁱⁱ These same protections for our children must be applied to school buses that transport almost 500,000 of our children a day.ⁱⁱⁱ

Over the past 10 years, 6.2% of fatal injuries in school bus related crashes were school bus occupants.^{iv} In the National Transportation Safety Board's study of fatal school bus crashes, they found that "students using lap/shoulder belts fared significantly better than those using a lap belt or no restraint system at all."^v "It is no surprise, then, that of

the 61 school bus passengers killed between 2005 and 2014, only four were wearing seat belts.”^{vi} According to data received from NCSL, 4 times more school bus passenger fatalities resulted from crashes versus those from fire.

The executive director of the National Association of State Directors of Pupil Transportation Services (NASDPTS) stated that “Our association’s position supports the installation of three-point lap/shoulder belts in school buses...because they would offer some incremental safety improvement in certain types of very serious crashes if worn properly by the student riders.”

Similarly, the Department of Transportation’s National Highway Traffic Safety Administration (NHTSA) recommends three-point seat safety belts for school buses as well. “It’s this big void in our safety system,” said administrator Mark Rosekind who hopes change will come, but currently only six states require seat belts on school buses; California, Florida, Louisiana, New Jersey, New York and Texas (Attachment 1).^{vii} The NHTSA estimates four children die every year in large school bus crashes. The agency believes seat belts would cut that number in half. Rosekind acknowledged that the agency “has not always spoken with a clear voice on the issue of seat belts on school buses. The position of the National Highway Traffic Safety Administration is that seat belts save lives,” Rosekind said. “That is true whether in a passenger car or in a big yellow bus. And saving lives is what we are about. So NHTSA’s policy is that every child on every school bus should have a three-point seat belt.”^{viii} NHTSA also reported that, there have been no known injuries or fatalities associated with using seat belts.

House Bills 5325 and 5683 speak to informing school districts of the school bus seat belt account. In 2011, the Connecticut General Assembly enacted a program for funding to offset 50% of the sales tax on the purchase of school buses equipped with 3-point lap/shoulder seat safety belts installed (Sec. 14-275d). The school bus seat belt account was established pursuant to subsection (a) of section 14-50b within the Department of Motor Vehicles which allows school districts to apply for tax refunds for up to 50 school buses through December 31, 2017. “According to the Office of Fiscal Analysis, the fund receives approximately \$2 million dollars a year. However, from 2010 through 2016, no money from the fund was spent on fitting new school buses with seat belts. Instead, approximately \$7.7 million was used to close budget deficits.”^{ix}

It is imperative that school districts be made aware of this program so that they are afforded an opportunity to utilize its benefits. Although the cost of retrofitting school buses with seat belts is often debated, this fund helps to offset a sizeable portion of the sales tax a district would have previously incurred when purchasing new school buses with three-point safety belts.

Thank you.

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- ⁱ NHTSA (2017). School Buses. Retrieved from: <https://www.nhtsa.gov/road-safety/school-buses>
- ⁱⁱ Safety Kids Connecticut (2017). Child Passenger Safety. Retrieved from: <http://www.ctsafekids.org/child-passenger-safety/>
- ⁱⁱⁱ Connecticut School Transportation Association. (2017). Retrieved from: <http://ctschoollbus.com/index.php>
- ^{iv} Chodrow, B., Katz, B. & Graham, D. (2016) National Highway Traffic Safety Administration. *Update on Lap/Shoulder Belt in School Buses*.
- ^v Chodrow, B., Katz, B. & Graham, D. (2016) National Highway Traffic Safety Administration. *Update on Lap/Shoulder Belt in School Buses*.
- ^{vi} Maciag, M. (2016). Governing the States and Localities. *Despite Lack of Seat Belts, School Bus Fatalities are Rare*. Retrieved from: <http://www.governing.com/topics/public-justice-safety/gov-school-bus-accidents-fatalities-statistics.html>
- ^{vii} Van Cleave, C. (2015). CBS News. *NHTSA Pushes for Seat Belts on School Buses*. Retrieved from: <http://www.cbsnews.com/news/nhtsa-pushes-for-seat-belts-on-school-buses/>
- ^{viii} Connecticut by the numbers (2015). *Will CT School Buses Be Required to Add Seat Belts? New Federal Policy May Spur Change*. Retrieved from: <http://ctbythenumbers.info/2015/11/22/will-ct-school-busses-be-required-to-add-seat-belts-new-federal-policy-may-spur-change/>
- ^{ix} Rabe Thomas, J. & Constable, K. (2016). The CT Mirror. *School Bus Seat Belt Funding Goes Unused Except to Reduce Deficits*. Retrieved from: <http://ctmirror.org/2016/03/17/school-bus-seat-belt-funding-goes-unused-except-to-reduce-deficits/>



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

Curtis Bramble
Senate President Pro Tempore
Utah
President, NCSL

To:

Karl Aro
Director of Administration
Department of Legislative Services
Maryland
Staff Chair, NCSL

From:

Date:

William T. Pound
Executive Director

Subject: Seat belts on school buses – state laws

This memo summarizes:

- ❖ Recent enacted legislation regarding seat belts on school buses
- ❖ Statutory language for states with seat belt requirements
- ❖ A summary of recent trends and news, and a discussion of federal requirements

RECENT LEGISLATION

In the past nine years, two states (New York, Texas) have passed laws requiring seat belts on school buses. Additionally, Connecticut and Indiana passed laws related to seat belts on school buses, but not requiring them.

New York AB 3978 (2007 – enacted)

Requires that no person shall operate a school for which there are not applicable federal school bus safety standards unless all occupants are restrained by an approved safety belt.

Texas HB 323 (2007 – enacted)

Establishes that each school bus purchased or chartered by a school district after September 2011 must be equipped with a three-point seat belt for each passenger, including the driver. Authorizes a school district to implement a disciplinary policy to enforce the use of seat belts by students, authorizes a person to offer to donate seat belts or money for the purchase of seat belts for a school district's school buses, relates to reporting accidents involving school buses.

Connecticut HB 5033 (2010 – enacted)

The Department of Motor Vehicles shall administer a program to provide funding to offset a portion of sales tax on the purchase of school buses equipped with 3-point lap/shoulder seat safety belts installed during the manufacture of such buses. Provides for operator license violation fees or restoration fees for vehicle registration to be deposited into a separate nonlapsing school bus seat belt account which shall be established within the General Fund.

Indiana SB 421 (2013 – enacted)

Requires that a school bus driver operating a school bus equipped with safety belts provide instruction to the passengers on the proper fastening of the belts. Requires a public hearing explaining why a school bus equipped with safety belts is being purchased rather than using the money for other student safety measures.

[Indiana SR 31](#) (2016 – adopted)

Urges the legislative council to assign to the appropriate study committee the topic of school buses equipped with three point seat belts.

SUMMARY OF STATE STATUTES

With regard to states, California, Florida, Louisiana, New Jersey, New York and Texas laws require safety belts on school buses. *Louisiana and Texas laws, however, are subject to appropriations.

California

Vehicle Code § 27316. (a) Unless specifically prohibited by the National Highway Transportation Safety Administration, all schoolbuses purchased or leased for use in California shall be equipped at all designated seating positions with a combination pelvic and upper torso passenger restraint system, if the schoolbus is either of the following: (1) Type 1, as defined in paragraph (1) of subdivision (b) of Section 1201 of Title 13 of the California Code of Regulations, and is manufactured on or after July 1, 2005. (2) Type 2, as defined in paragraph (2) of subdivision (b) of Section 1201 of Title 13 of the California Code of Regulations, and is manufactured on or after July 1, 2004. (b) For purposes of this section, a "passenger restraint system" means any of the following: (1) A restraint system that is in compliance with Federal Motor Vehicle Safety Standard 209, for a type 2 seatbelt assembly, and with Federal Motor Vehicle Safety Standard 210, as those standards were in effect on the date the schoolbus was manufactured. (2) A restraint system certified by the schoolbus manufacturer that is in compliance with Federal Motor Vehicle Safety Standard 222 and incorporates a type 2 lap/shoulder restraint system. (c) No person, school district, or organization, with respect to a schoolbus equipped with passenger restraint systems pursuant to this section, may be charged for a violation of this code or any regulation adopted thereunder requiring a passenger to use a passenger restraint system, if a passenger on the schoolbus fails to use or improperly uses the passenger restraint system. (d) It is the intent of the Legislature, in implementing this section, that school pupil transportation providers work to prioritize the allocation of schoolbuses purchased, leased, or contracted for on or after July 1, 2004, for type 2 schoolbuses, or on or after July 1, 2005, for type 1 schoolbuses, to ensure that elementary level schoolbus passengers receive first priority for new schoolbuses whenever feasible.

Connecticut

Sec. 14-275d. Program for funding to offset sales tax on purchase of school buses equipped with seat safety belts. (a) The Department of Motor Vehicles shall administer a program to provide funding to offset a portion of sales tax on the purchase of school buses equipped with 3-point lap/shoulder seat safety belts installed during the manufacture of such buses. From July 1, 2011, to December 31, 2017, inclusive, a local or regional school district may submit an application to the department, on a form provided by said department, which shall include a proposed agreement between such district and a private carrier under contract

with such district for the provision of transportation of school children. Such agreement shall require such carrier to provide the district with at least one but not more than fifty school buses, each of which shall be equipped with such seat belts, and shall include a request by such carrier for funds in an amount equal to fifty per cent of the sales tax paid by the carrier for the purchase of any such bus purchased on or after July 1, 2011. Such agreement shall be contingent upon approval of the application and the payment of such amount by the department. The department shall make any such payments with funds available from the school bus seat belt account established pursuant to subsection (a) of section 14-50b.

(b) A school district participating in the program shall provide written notice concerning the availability and proper use of such seat belts to a parent or legal guardian of each student who will be transported on such school bus. A school district shall instruct such students on the proper use, fastening and unfastening of such seat belts.

(c) No local or regional school district, carrier with whom a local or regional school district has contracted for the transportation of students, or operator of a school bus shall be liable for damages for injury resulting solely from a student's use, misuse or failure to use a seat safety belt installed on a school bus used in the program established under this section.

(d) During the 2018 regular session of the General Assembly, the joint standing committees of the General Assembly having cognizance of matters relating to transportation and education shall conduct a joint public hearing on the level of participation in such program and its effectiveness with respect to the use of seat belts. Not later than March 1, 2018, the joint standing committees shall make a recommendation to the General Assembly concerning the continuation of such program.

Florida

316.6145 School buses; safety belts or other restraint systems required.--

(1)(a) Each school bus that is purchased after December 31, 2000, and used to transport students in grades pre-K through 12 must be equipped with safety belts or with any other restraint system approved by the Federal Government in a number sufficient to allow each student who is being transported to use a separate safety belt or restraint system. These safety belts must meet the standards required under s. [316.614](#). A school bus that was purchased prior to December 31, 2000, is not required to be equipped with safety belts.

(b) As used in this section, "school bus" means a school bus that is owned, leased, operated, or contracted by a school district.

(2) Each passenger on a school bus that is equipped with safety belts or restraint system shall wear a properly adjusted and fastened safety belt at all times while the bus is in operation. The state, the county, a school district, school bus operator under contract with a school district, or an agent or employee of a school district or operator, including a teacher or volunteer serving as a chaperone, is not liable in an action for personal injury by a school bus passenger solely because the injured party was not wearing a safety belt.

(3) The state, the county, a school district, school bus operator under contract with a school district, or an agent or employee of a school district or operator, including a teacher or

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volunteer serving as a chaperone, is not liable in an action for personal injury by a school bus passenger for an injury caused solely by another passenger's use or nonuse of a safety belt or restraint system in a dangerous or unsafe manner.

(4) In implementing the provisions of this section, each school district must prioritize the allocation of buses equipped with safety belts or restraint system to ensure that elementary schools within the district receive first priority. A school district may enter into agreements to provide transportation pursuant to this section only if the point of origin or termination of the trip is within the district's boundaries.

(5) The provisions of this section shall not apply to vehicles as defined in s. [234.051](#)(1)(b).

Louisiana

§164.2. Additional regulations; occupant restraint systems required; compliance

A. In addition to any regulations adopted by the State Board of Elementary and Secondary Education pursuant to the provisions of R.S. 17:164 relative to the construction, design, equipment, and operation of school buses used in the transportation of students, the board also shall adopt rules and regulations in accordance with the Administrative Procedure Act and any applicable federal standards to require that every bus used primarily for the transportation of students shall be equipped with occupant restraint systems by not later than June 30, 2004.

B. Notwithstanding any provision of R.S. 17:164 to the contrary, the State Board of Elementary and Secondary Education shall require each governing authority of each public elementary and secondary school and each nonpublic elementary and secondary school approved by the board to comply with the rules and regulations adopted by the board pursuant to the provisions of Subsection A of this Section.

C. The provisions of this Section shall be subject to the appropriation of funds for this purpose.

New Jersey

39:3B-10. School bus seats, seat belts, child restraint systems, regulations

1. In addition to the requirements in Federal Motor Vehicle Safety Standard No. 222 (49 CFR s.571.222) concerning school bus passenger seating and crash protection, each school bus as defined in R.S.39:1-1 shall be equipped with seats of a minimum seat back height of 28 inches, or 24 inches as measured from the seating reference point, and seat belts of the lap belt type for each seating position on the bus or other child restraint systems that are in conformity with applicable federal standards. The design and installation of seat belts or other child restraint systems that are in conformity with applicable federal standards shall conform to the regulations promulgated by the State Board of Education, in consultation with the Director of the Division of Motor Vehicles in the Department of Law and Public Safety. The State board shall promulgate regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), for the design and installation of seat belts or other child restraint systems that are in conformity with applicable federal standards.

As used in this section, "seating reference point" shall be defined as the term is defined in 49 CFR s.571.3.

New York

Vehicle and Traffic Law § 383. Safety belts and anchorage assemblies. ...

4-a. Driver seat safety belts for certain motor vehicles. Notwithstanding any other provisions of this chapter, it shall be unlawful for the owner of a bus as defined in section one hundred four of this chapter and manufactured on or after January first, nineteen hundred sixty-five or a motor vehicle used for the purpose of transporting children to and from public or private schools to permit such vehicle to be used for such purpose unless the driver's seat on such vehicle is equipped with a seat safety belt of a type and specifications as approved by the commissioner of motor vehicles. Any owner who permits a motor vehicle to be operated without such safety belt or any person who operates a motor vehicle and fails to use such safety belt shall be in violation of the provisions of this subdivision and shall be guilty of an infraction, punishable by a fine not exceeding fifty dollars. 5. (a) **Passenger seat safety belts for school buses.** Every school bus, as defined in section one hundred forty-two of this chapter, manufactured for use in this state on and after July first, nineteen hundred eighty-seven, shall be designed so that all passenger seats on such vehicle are equipped with seat safety belts and increased seat back padding on passenger seats of a type and specification as approved by the commissioner of transportation through the adoption of rules and regulations. Such rules and regulations shall provide that when any contactable surface of the school bus, as specified in the Federal Motor Vehicle Safety Standard, 49 CFR Section 571.222, is impacted from any direction at twenty-two feet per second by the head form, the axial acceleration at the center of gravity of the head form shall be such that the head form impact requirement shall not exceed eight hundred. (b) Passenger seat safety belts for existing school buses. Any school bus as defined in section one hundred forty-two of this chapter, which is scheduled for retrofitting pursuant to action by a board of education or board of trustees under section thirty-six hundred thirty-five-a of the education law shall be retrofitted so that all passenger seats on such vehicles are equipped with seat safety belts and additional padding of a type and specification as approved by the commissioner of transportation through the adoption of rules and regulations. Such rules and regulations shall provide that when any contactable surface of the school bus as specified in the Federal Motor Vehicle Safety Standard, 49CFR Section 571.222 is impacted from any direction at twenty-two feet per second by the head form, the axial acceleration at the center of gravity of the head form shall be such that the head form impact requirement shall not exceed eight hundred. Furthermore, the commissioner shall have the power through rules and regulations to exempt certain design school buses from retrofitting. In granting such exemptions, the commissioner shall consider safety factors, structural integrity of the school buses and any other items deemed necessary to preserve the safety and welfare of the school bus passengers. Provided further however that the commissioner of transportation shall not authorize retrofitting of any school bus manufactured prior to April first, nineteen hundred seventy-seven. 6. Regulations. The Commissioner shall establish by regulation standards for safety belts, safety belt anchorage assemblies, and the installation of safety belts in motor

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vehicles. The commissioner may also by regulation exclude certain motor vehicles or types of motor vehicles from the requirements of this section. The commissioner may prescribe the method of securing approval of safety belts.

Texas

Texas Tran. Code Ann. § 547. 701 (e)

ADDITIONAL EQUIPMENT REQUIREMENTS FOR SCHOOL BUSES AND OTHER BUSES USED TO TRANSPORT SCHOOLCHILDREN. (a) A school bus shall be equipped with:

- (1) a convex mirror or other device that reflects to the school bus operator a clear view of the area immediately in front of the vehicle that would otherwise be hidden from view; and
- (2) signal lamps that:
 - (A) are mounted as high and as widely spaced laterally as practicable;
 - (B) display four alternately flashing red lights, two located on the front at the same level and two located on the rear at the same level; and
 - (C) emit a light visible at a distance of 500 feet in normal sunlight.
- (b) A school bus may be equipped with:
 - (1) rooftop warning lamps:
 - (A) that conform to and are placed on the bus in accordance with specifications adopted under Section 34.002, Education Code; and
 - (B) that are operated under rules adopted by the school district; and
 - (2) movable stop arms:
 - (A) that conform to regulations adopted under Section 34.002, Education Code; and
 - (B) that may be operated only when the bus is stopped to load or unload students.
- (c) When a school bus is being stopped or is stopped on a highway to permit students to board or exit the bus, the operator of the bus shall activate all flashing warning signal lights and other equipment on the bus designed to warn other drivers that the bus is stopping to load or unload children. A person may not operate such a light or other equipment except when the bus is being stopped or is stopped on a highway to permit students to board or exit the bus.
- (d) The exterior of a school bus may not bear advertising or another paid announcement directed at the public if the advertising or announcement distracts from the effectiveness of required safety warning equipment. The department shall adopt rules to implement this subsection. A school bus that violates this section or rules adopted under this section shall be placed out of service until it complies.
- (e) In this subsection, "bus" includes a school bus and a school activity bus. A bus operated by or contracted for use by a school district for the transportation of schoolchildren shall be equipped with a three-point seat belt for each passenger, including the operator. This subsection applies to:**
 - (1) each bus purchased by a school district on or after September 1, 2010, for the transportation of schoolchildren; and**
 - (2) each school-chartered bus contracted for use by a school district on or after September 1, 2011, for the transportation of schoolchildren.**

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(f) A school district is required to comply with Subsection (e) only to the extent that the legislature has appropriated money for the purpose of reimbursing school districts for expenses incurred in complying with Subsection (e).

RECENT TRENDS AND THE FEDERAL ROLE

On November 8, 2015, [NHTSA Administrator Dr. Mark Rosekind declared that](#) “NHTSA’s policy is that every school bus should have a three-point seat belt,” and indicated that “NHTSA will seek to use all the tools at our disposal to help achieve that goal...”

From a federal perspective, school bus safety is covered in FMVSS 222. A 2008 NHTSA rule change to FMVSS 222 requires new, smaller school buses of 10,000 pounds or less to have lap/shoulder belts in lieu of the lap belts currently required. The rule also requires increasing the height of seat backs from 20 inches to 24 inches on all newly manufactured buses. It allows states or local jurisdictions to decide whether to install seat belts on larger school buses (over 10,000 pounds). For more information about the rule, visit [NHTSA’s webpage](#) on school buses.

There is still quite some debate among safety organizations as to whether more changes need to be made to FMVSS 222. Here is an [article from the L.A. Times](#) dated August of 2011.

This [Transportation Review](#) discusses school bus safety, including seatbelts and federal regulations.

The University of Alabama conducted a three-year pilot project exploring the implementation of lap/shoulder belts on newly purchased large school buses and published the [summary report](#) in October 2010.

The website School Transportation News includes an [FAQ page](#) on seat belts for school buses.