



## STATES REQUIRING SEAT BELTS ON SCHOOL BUSES

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### ISSUE

You asked for information about federal and state school bus seat belt laws. This report updates the information provided in OLR Report [2010-R-0055](#).

### SUMMARY

The National Highway Traffic Safety Administration (NHTSA), which sets national standards for school bus safety, requires three-point seat belts (lap-and-shoulder belts) on school buses weighing less than 10,000 pounds, but allows individual states to decide whether to require seat belts on larger school buses. Six states – California, Florida, Louisiana, New Jersey, New York, and Texas – do so.

These state laws address such issues as the type of seat belt required (lap or three-point), priority for allocation of seat belt-equipped school buses, liability of school bus operators, whether application of the law depends on the availability of funding, and other factors. For example, New York's law allows local school districts to decide if students must use seat belts; Texas requires school districts to report annually on school bus accidents.

NHTSA, which has traditionally maintained that seat belts are not needed on school buses, announced a change in policy in 2015, and is now exploring ways, in the words of NHTSA administrator Mark R. Rosekind, to "make seat belts on schools buses a reality."

According to the National Conference of State Legislatures (NCSL), 10 states, including Connecticut, considered school bus seat belt bills in 2016, although none was enacted.



## **FEDERAL REGULATION**

Federal law authorizes NHTSA to set national standards for school bus safety. NHTSA requires three-point seat belts on school buses weighing less than 10,000 pounds, but allows individual states or local jurisdictions to decide whether to require seat belts on larger school buses ([49 C.F.R. § 571.222](#)).

NHTSA has traditionally held that large school buses do not need seat belts because they are already the safest way for students to travel to school. It has said adding seat belts would cost between \$7,346 and \$10,296 per bus, and would reduce the number of students each bus could carry because the thicker seat backs needed to accommodate the seat belts would mean each bus would have fewer rows of seats.

“Given the trade-off between installing seat belts...and implementing other safety measures that could benefit pupil transportation or other social welfare initiatives, and given that large school buses are already very safe,” NHTSA stated in 2008, “we believe that states should be permitted the choice of deciding whether belts should be part of their large school bus purchases.”

In November 2015, NHTSA administrator Rosekind announced a change in position, saying the agency now believes “that every child on every school bus should have a three-point seat belt.” Rosekind said NHTSA would take a number of steps to achieve this goal, such as gathering better information on the safety benefits of seat belts in jurisdictions that require them and on whether seat belt requirements reduce the safety risks from driver distraction.

## **STATE LAWS REQUIRING SEAT BELTS ON SCHOOL BUSES**

California, Florida, Louisiana, New Jersey, New York, and Texas require school bus seat belts.

### ***California***

California law requires three-point seat belts on (1) school buses manufactured on and after July 1, 2005 that carry more than 16 passengers and (2) all other school buses manufactured on and after July 1, 2004. It requires school transportation providers, when feasible, to give priority to elementary school students when allocating seat-belt equipped school buses. Under the law, the state cannot charge any person, school district, or organization with violating this law if a passenger either does not fasten his or her seat belt, or does so improperly ([Cal. Veh. Code § 27316](#)).

State regulations require school bus passengers to (1) use the seat belts and (2) be taught how to use them in an age-appropriate manner ([Cal. Code Regs. Title 5, § 14105](#)).

### ***Florida***

Florida law requires (1) new school buses purchased on and after January 1, 2001 to be equipped with seat belts or other federally-approved restraint system and (2) each school bus passenger to wear a properly adjusted belt when the bus is operating. It exempts (1) the state; (2) counties; (3) school districts; and (4) school bus operators and their agents, including teachers and volunteer chaperones, from liability for personal injury to a school bus passenger solely caused by (a) the injured passenger's failure to wear a seat belt or (b) another passenger's use or non-use of a seat belt in a dangerous or unsafe manner. It requires school districts to ensure that elementary schools receive first priority when they allocate school buses with seat belts, and exempts certain vehicles not used exclusively to transport public school students ([Fla. Stat. Ann. § 316.6145](#) and [§ 1006.25\(1\)\(b\)](#)).

### ***Louisiana***

Louisiana requires the state Board of Elementary and Secondary Education to (1) adopt rules and regulations requiring every bus used primarily to transport students to be equipped with seat belts by June 30, 2004, and (2) require the governing authority of each public and private school to comply with these rules and regulations. However, Louisiana makes compliance with the law contingent on the appropriation of funds ([La. Rev. Stat. § 17:164.2](#)). According to NCSL, the state has not appropriated the necessary money.

### ***New Jersey***

New Jersey requires school buses to have lap belts or other child restraint systems that meet federal standards and certain minimum seat back heights. It requires students to wear properly adjusted and fastened seat belts while the bus is operating, and relieves school bus owners and operators of liability for a passenger's failure to wear a seat belt if that failure directly results in an injury to the passenger ([N.J. Stat. Ann. § 39:3B-10](#) and [§ 39:3B-11](#)).

## ***New York***

New York requires school buses manufactured for use in New York on and after July 1, 1987 to have seat belts and increased seat back padding on all passenger seats. It requires school buses scheduled for retrofitting to have these same modifications, but exempts certain older buses from this requirement and allows the motor vehicle commissioner to exempt certain others. However, New York allows individual school boards to determine whether their students must use the seat belts ([N.Y. Veh. & Traf. § 383\(5\)](#) and [N.Y. Educ. 3635-a \(1\)](#)).

## ***Texas***

Texas requires each (1) bus purchased by a school district starting September 1, 2010 and (2) school-chartered bus contracted for use by a school district starting September 1, 2011, to be equipped with three-point seat belts for the passengers and the driver. But the requirement takes effect only if the legislature appropriates money to reimburse school districts for the cost of installing the belts. NCSL says the Texas legislature has not provided the funding needed to implement the law.

Texas requires the state board of education to develop and provide to each school district instructions on the proper use of three-point seat belts, and makes the board the clearinghouse for districts seeking information on school bus safety. School districts must require students to wear seat belts on buses equipped with them, and they may develop a disciplinary policy to enforce the seat belts' use.

The law allows people to donate three-point seat belts, or money for their purchase, and allows a school district's board of trustees to acknowledge this by displaying a "small, discreet" sign on the side or back of the bus. (But the sign may not be an advertisement for the donor.)

It also requires each school district to file an annual report with the Texas Education Agency on accidents involving its school buses. The report must include information on (1) the type of bus involved, (2) whether it had seat belts, (3) the number of students and adults involved in the accident, (4) the number and types of injuries sustained by the bus passengers, and (5) whether the injured passengers were wearing seat belts at the time of the accident. The agency must publish the reports on its website ([Texas Tran. Code Ann. § 547.701\(e\)](#) and [Ed. Code Ann. § 34.012 through 34.015](#)).

## **RECENT LEGISLATION**

According to NCSL, 10 states, including Connecticut, considered school bus seat belt bills in 2016, although none was enacted. The other states are Arizona, Hawaii, Indiana, Maryland, Massachusetts, Oklahoma, Rhode Island, South Carolina, and West Virginia. Indiana adopted a resolution urging the legislative council to study the topic of seat belts on school buses. More information on these bills can be found in NCSL's [traffic safety legislation database](#).

The Connecticut bill, [HB 5462](#), would have required all school buses to have three-point seat belts, starting with model year 2021. It was reported favorably by the Transportation Committee (File 283) but died in the Appropriations Committee.

## **MORE INFORMATION**

A June 2016 NCSL report on school bus seat belts can be found at: <http://www.ncsl.org/research/transportation/should-school-buses-have-seat-belts.aspx>.

More information on school bus seat belts can be found in OLR Report [2009-R-0419](#).

A July 2015 NHTSA PowerPoint presentation on Seat Belts on Large School Buses can be found at: [www.nhtsa.gov/nhtsa/symposiums/july2015/assets/NHTSA-PPT-SchoolBus.pdf](http://www.nhtsa.gov/nhtsa/symposiums/july2015/assets/NHTSA-PPT-SchoolBus.pdf).

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