

By the Committee on Transportation and Senators Cowin, Grant, Lee, Myers, Holzendorf, Dawson-White, Horne, Forman, Silver, Mitchell, Jones, Klein, Meek and Campbell

306-2211A-99

1 A bill to be entitled
 2 An act relating to school buses; requiring that
 3 buses purchased after a specified date and used
 4 in transporting certain students be equipped
 5 with safety belts or other restraints that
 6 comply with specified standards and with seats
 7 having a specified height; defining the term
 8 "school bus"; providing an exemption for
 9 certain school buses; requiring passengers to
 10 wear safety belts or other restraints;
 11 providing immunity of a school district, bus
 12 operator, and others for injuries to a
 13 passenger caused solely because the passenger
 14 was not wearing a safety belt or other
 15 restraint; providing immunity to such persons
 16 for injury caused by a passenger's dangerous or
 17 unsafe use of a safety belt or other restraint;
 18 providing certain provisions for
 19 implementation; providing an exemption;
 20 providing an effective date.

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 22 Be It Enacted by the Legislature of the State of Florida:

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 24 Section 1. (1)(a) Each school bus that is purchased
 25 after December 31, 2000, and used to transport students in
 26 grades pre-K through 12 must be equipped with:

27 1. Safety belts, or with any other restraint system
 28 approved by the Federal Government, in a number sufficient to
 29 allow each student who is being transported to use a separate
 30 safety belt or restraint system. If safety belts are used,
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1 they must meet the standards required under section 316.614,
2 Florida Statutes.

3 2. Seats having backs that measure at least 28 inches
4 from the plane on which the passenger sits to the top of the
5 seat.

6 3. As used in this section, the term "school bus"
7 means a school bus that is owned, leased, operated, or
8 contracted by a school district.

9 (b) A school bus that was purchased before December
10 31, 2000, is not required to be equipped with safety belts or
11 a federally approved restraint system or with 28-inch-high
12 seat backs, and neither the state nor a school district shall
13 be liable for personal injury to a passenger on such a school
14 bus which is caused by the passenger's failure to wear a
15 safety belt or restraint system.

16 (2) Each passenger on a school bus that is equipped
17 with safety belts or a federally approved restraint system
18 shall wear a properly adjusted and fastened safety belt or
19 restraint system at all times while the bus is in operation.

20 (3) A school district, school bus operator under
21 contract with a school district, or an agent or employee of a
22 school district or operator, including a teacher or volunteer
23 serving as a chaperone is not liable in an action for personal
24 injury by a school bus passenger solely because the injured
25 party was not wearing a safety belt or restraint system.

26 (4) A school district, school bus operator under
27 contract with a school district, or an agent or employee of a
28 school district or operator, including a teacher or volunteer
29 serving as a chaperone is not liable in an action for personal
30 injury by a school bus passenger for an injury caused by
31 another passenger's use or nonuse of a safety belt or

1 federally approved restraint system in a dangerous or unsafe
2 manner.

3 (5) In implementing this section, each school district
4 must prioritize the allocation of buses equipped with safety
5 belts or other federally approved restraint systems and with
6 28-inch-high seats, to ensure that elementary schools within
7 the district receive first priority.

8 (6) The provisions of this section do not apply to
9 private charter buses employed by school districts for field
10 trips or other school events which are not used on a daily
11 basis for the transportation of students in grades pre-K
12 through 12.

13 Section 2. This act shall take effect upon becoming a
14 law.

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 SB 1038

- 19 1. The CS defines a "school bus" as a school bus owned,
20 leased, operated, or contracted by a school district.
21 2. The CS further exempts private charter buses employed by
22 school districts for field trips or other events which are not
23 used on a daily basis for the transportation of students from
24 the safety belt requirements of this CS.
25 3. The CS provides certain parties are not liable in an
26 action for personal injury caused by another passenger's use
27 or non-use of a safety belt or federally approved restrain
28 system in a dangerous or unsafe manner.
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