

By Senator Atwater

25-1266-04

See HB 421

1 A bill to be entitled
2 An act relating to school buses; amending s.
3 316.6145, F.S.; requiring pelvic and upper
4 torso restraints on school buses; requiring use
5 of the restraints; limiting liability;
6 providing priority for allocation; providing
7 exceptions; amending s. 1006.25, F.S.;
8 requiring occupant crash protection system
9 compliance; reenacting s. 316.6146, F.S.,
10 relating to transportation of private school
11 students on public school buses and public
12 school students on private school buses, to
13 incorporate the amendment to s. 316.6145, F.S.,
14 in a reference thereto; providing an effective
15 date.

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

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19 Section 1. Section 316.6145, Florida Statutes, is
20 amended to read:

21 316.6145 School buses; safety belts or other restraint
22 systems required.--

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

26 **(b)1.**~~(a)~~ Each school bus that is purchased new after
27 December 31, 2000, and used to transport students in grades
28 pre-K through 12 must be equipped with safety belts or with
29 any other restraint system approved by the Federal Government
30 in a number sufficient to allow each student who is being
31 transported to use a separate safety belt or restraint system.

1 These safety belts must meet the standards required under s.
2 316.614. A school bus that was purchased prior to December 31,
3 2000, is not required to be equipped with safety belts.

4 2. Each school bus that is purchased new after
5 December 31, 2004, and used to transport students in grades
6 pre-K through 12 must be equipped with a seat belt assembly
7 that meets the requirements for type 2 seat belt assemblies
8 established under Federal Motor Vehicle Safety Standard No.
9 209, 49 C.F.R. s. 571.209, or with any other pelvic and upper
10 torso restraint system approved by the Federal Government in a
11 number sufficient to allow each student who is being
12 transported to use a separate pelvic and upper torso restraint
13 system. These safety belts must meet the standards required
14 under s. 316.614. A school bus that was purchased prior to
15 December 31, 2004, is not required to be equipped with type 2
16 seat belt assemblies.

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

27 (3) The state, the county, a school district, school
28 bus operator under contract with a school district, or an
29 agent or employee of a school district or operator, including
30 a teacher or volunteer serving as a chaperone, is not liable
31 in an action for personal injury by a school bus passenger for

1 an injury caused solely by another passenger's use or nonuse
2 of a safety belt or restraint system in a dangerous or unsafe
3 manner.

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

12 (5) The provisions of this section shall not apply to
13 vehicles as defined in s. 1006.25(1)(b).

14 Section 2. Subsection (4) of section 1006.25, Florida
15 Statutes, is amended to read:

16 1006.25 School buses.--School buses shall be defined
17 and meet specifications as follows:

18 (4) OCCUPANT PROTECTION SYSTEMS.--Students may be
19 transported only in designated seating positions, except as
20 provided in s. 1006.22(12), and must use the occupant crash
21 protection system provided by the manufacturer, which system
22 must comply with the requirements of 49 C.F.R. part 571 and s.
23 316.6145 or with specifications of the State Board of
24 Education.

25 Section 3. In order to incorporate the amendment to
26 section 316.6145, Florida Statutes, in a reference thereto,
27 section 316.6146, Florida Statutes, is reenacted to read:

28 316.6146 Transportation of private school students on
29 public school buses and public school students on private
30 school buses; agreement.--Private school students may be
31 transported on public school buses and public school students

1 may be transported on private school buses when there is
2 mutual agreement between the local school board and the
3 applicable private school. Any agreement for private school
4 students to be transported on public school buses must be in
5 accordance with ss. 768.28(9)(a) and 316.6145. Any agreement
6 for public school students to be transported on private school
7 buses must be contingent on the private school bus driver's
8 having adequate liability insurance through his or her
9 employer.

10 Section 4. This act shall take effect upon becoming a
11 law.

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