

HB 0421

2004

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

13

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

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16           Section 1. Section 316.6145, Florida Statutes, is amended  
 17 to read:

18           316.6145 School buses; safety belts or other restraint  
 19 systems required.--

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

23           (b)1.~~(a)~~ Each school bus that is purchased new after  
 24 December 31, 2000, and used to transport students in grades pre-  
 25 K through 12 must be equipped with safety belts or with any  
 26 other restraint system approved by the Federal Government in a  
 27 number sufficient to allow each student who is being transported  
 28 to use a separate safety belt or restraint system. These safety  
 29 belts must meet the standards required under s. 316.614. A

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30 school bus that was purchased prior to December 31, 2000, is not  
 31 required to be equipped with safety belts.

32 2. Each school bus that is purchased new after December  
 33 31, 2004, and used to transport students in grades pre-K through  
 34 12 must be equipped with a seat belt assembly that meets the  
 35 requirements for type 2 seat belt assemblies established under  
 36 Federal Motor Vehicle Safety Standard No. 209, 49 C.F.R. s.  
 37 571.209, or with any other pelvic and upper torso restraint  
 38 system approved by the Federal Government in a number sufficient  
 39 to allow each student who is being transported to use a separate  
 40 pelvic and upper torso restraint system. These safety belts must  
 41 meet the standards required under s. 316.614. A school bus that  
 42 was purchased prior to December 31, 2004, is not required to be  
 43 equipped with type 2 seat belt assemblies.

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

53 (3) The state, the county, a school district, school bus  
 54 operator under contract with a school district, or an agent or  
 55 employee of a school district or operator, including a teacher  
 56 or volunteer serving as a chaperone, is not liable in an action  
 57 for personal injury by a school bus passenger for an injury

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58 caused solely by another passenger's use or nonuse of a safety  
59 belt or restraint system in a dangerous or unsafe manner.

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

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

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

71 1006.25 School buses.--School buses shall be defined and  
72 meet specifications as follows:

73 (4) OCCUPANT PROTECTION SYSTEMS.--Students may be  
74 transported only in designated seating positions, except as  
75 provided in s. 1006.22(12), and must use the occupant crash  
76 protection system provided by the manufacturer, which system  
77 must comply with the requirements of 49 C.F.R. part 571 and s.  
78 316.6145 or with specifications of the State Board of Education.

79 Section 3. In order to incorporate the amendment to  
80 section 316.6145, Florida Statutes, in a reference thereto,  
81 section 316.6146, Florida Statutes, is reenacted to read:

82 316.6146 Transportation of private school students on  
83 public school buses and public school students on private school  
84 buses; agreement.--Private school students may be transported on  
85 public school buses and public school students may be  
86 transported on private school buses when there is mutual

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87 agreement between the local school board and the applicable  
88 private school. Any agreement for private school students to be  
89 transported on public school buses must be in accordance with  
90 ss. 768.28(9)(a) and 316.6145. Any agreement for public school  
91 students to be transported on private school buses must be  
92 contingent on the private school bus driver's having adequate  
93 liability insurance through his or her employer.

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