HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 343 School Bus Safety Equipment
SPONSOR(S): Ross
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee		Thompson	Miller
2) PreK-12 Committee			
3) Education Appropriations Committee			
4) State Infrastructure Council			
5)			

SUMMARY ANALYSIS

Under current law school buses that were purchased new after December 31, 2000, and used to transport students in grades pre-K through 12 must be equipped with safety belts or with another approved restraint system.

HB 343 removes the mandatory requirement for safety belts or other restraint systems on school buses and provides that safety belts and restraint systems may be installed on school buses purchased after 2004 at the discretion of the school district. The bill deletes the implementation and allocation provision which requires that elementary schools receive first priority of school buses equipped with safety belts.

The bill has no state fiscal impact, but could have a potential positive fiscal impact on local school districts.

HB 343 takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government—The bill eliminates the mandatory requirement for school buses to be equipped with safety belts or other restraint systems, and allows local school districts to decide on proper school bus safety equipment.

B. EFFECT OF PROPOSED CHANGES:

Under current law each school bus that is purchased new after December 31, 2000, and used to transport students in grades pre-K through 12 must be equipped with safety belts or with another restraint system approved by the federal government. The number of safety belts or restraints must be sufficient to allow each student who is being transported to use a separate safety belt or restraint system and must meet the standards required under s. 316.614, F.S., the "Florida Safety Belt Law." School buses purchased prior to December 31, 2000, are not required to be equipped with safety belts. In addition, each school district must prioritize the allocation of buses equipped with safety belts or restraint systems to ensure that elementary schools receive first priority.

HB 343 eliminates the mandatory requirement for newly purchased school buses to be equipped with safety belts or other restraint systems. The bill would allow school districts to use their own discretion in equipping school buses with safety belts or restraint systems. If provided, the safety belts or restraint system must meet government standards.

Under current law neither the state, the county, a school district, school bus operator under contract with a school district, nor an agent or employee of a school district or operator, including a teacher or volunteer serving as a chaperone, is liable in a personal injury action because a student was not wearing a safety belt, or 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. The bill makes conforming changes to these provisions to make them applicable only if safety belts or restraint systems are provided.

The bill also removes the implementing provision which requires each school district to prioritize the allocation of buses equipped with safety belts or restraint systems to ensure that elementary schools receive first priority.

Pursuant to a congressional request, the federal government investigated the safety value of installing safety belts on school buses. In 2002 a report was released which addressed issues related to school bus safety belts. An excerpt from that report follows:

> An analysis of test data by the National Highway Traffic Safety Administration (NHTSA) has concluded that lap belts appear to have little, if any, benefit in reducing serious-to-fatal injuries in severe frontal crashes. On the contrary, lap belts could increase the incidence of serious neck injuries and possibly abdominal injury among young passengers in severe frontal crashes. Any increased risks associated with the use of lap belts in small school buses are more than offset by preventing ejections. The use of the combination lap/shoulder belts could provide some benefit, unless misused. Lap/shoulder belts can be misused and NHTSA's testing showed that serious neck injury and perhaps abdominal injury could result when lap/shoulder belts are misused. Other considerations, such as increased capital costs, reduced seating capacities, and other unintended consequences associated with lap/shoulder belts could result in more children seeking alternative means of traveling to and from school. Given that school buses are the safest way to and from school, even the smallest reduction in the number

of bus riders could result in more children being killed or injured when using alternative forms of transportation[1].

Numerous studies indicate that school buses are statistically one of the safest modes of transportation. A primary focus of school bus passenger safety research has been on "compartmentalization." This concept includes making seat backs in school buses higher, wider, and thicker, and covering all metal surfaces with energy-absorbing padding. According to the Florida Department of Education:

> Current Federal Motor Vehicle Safety Standards, applicable to all school buses sold in the United States, require that all buses be equipped with a passive passenger protection system known as "compartmentalization." This term is used to describe the existing passenger seating system, consisting of seats with high backs, spaced closely together, that are designed to absorb impact from children without injury in the event of a crash. Belt-type restraints, requiring active intervention by the passenger, are not federally required on large school buses (over 10,000 pounds gross vehicle weight rating). Compartmentalization has been required on all school buses built since April 1977, and has been very effective in minimizing fatalities and serious injuries to children. The National Highway Traffic Safety Administration has found that children in school buses equipped with compartmentalization (without belts) are over eight times safer than in other school transportation modes[2].

C. SECTION DIRECTORY:

Section 1. Amends s. 316.6145 F.S., to eliminate mandatory requirements for safety belts or restraint systems on school buses; allowing school districts to use discretion in requiring such safety equipment; and removing the implementation provision which gives elementary schools first priority in receiving buses equipped with safety belts or restraint systems.

Section 2. Provides that the act shall take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   See Fiscal Comments section below.

[1] Report to Congress—School Bus Safety: Crashworthiness Research, April 2002, National Highway Traffic Safety Administration, (the report may be viewed at: http://www-nrd.nhtsa.dot.gov/departments/nrd-11/SchoolBus/SBReportFINAL.pdf).
[2] Florida Department of Education 2005 Legislative Bill Analysis—HB 343; February 18, 2005; on file with the House Transportation Committee.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a significant direct economic impact on the private sector.

D. FISCAL COMMENTS:

The bill's primary fiscal impact would be on local school districts. According to the Florida Department of Education's fiscal analysis of this bill, the statewide savings to school districts would be $2.3 million if all buses were ordered without lap safety belts. DOE's comments are as follows:

- Under the provisions of the bill, if all school districts ordered buses without lap belts under the permissive authority of the bill, they would realize decreased statewide capital expenditures estimated at $2,292,422 annually, due to the lower price of each bus. This figure is derived by multiplying the average manufacturer upcharge of $1,884 per bus by 1,217, the average number of Florida school buses purchased by school districts during the previous three bid cycles.

- Other decreased operating costs that cannot be determined at this time include reduced parts and labor costs for inspection of belts and replacement of damaged or vandalized belts.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The constitutional mandates provision is not applicable to HB 343 because the legislation does not require counties or municipalities to expend local funds or to raise local funds, nor does it reduce their state revenue-sharing.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Additional rulemaking authority is not needed for implementation.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Florida Association for Pupil Transportation has adopted a position of opposing the use of two-point lap belts in large school buses. The association favors the installation of lap/shoulder safety belts in school buses only if fully funded. According to the group's position paper, lap/shoulder safety belts significantly reduce passenger capacity and cost more to install than lap belts[3].

The Advocacy Institute for Children has adopted a position of supporting seatbelts on school buses, arguing that compartmentalization is not effective in side impact and roll-over accidents. The organization indicates that seat belts and compartmentalization are safer than the latter alone, with the belts keeping the bus passenger in the padded compartment[4].

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

[3] Florida Association for Pupil Transportation--Position Paper; February 2005; on file with the House Transportation Committee.
[4] Advocacy Institute for Children—Seat Belts on School Buses; undated; on file with the House Transportation Committee.