

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 187 School Bus Safety  
**SPONSOR(S):** Vana and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 2088

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Committee on K-12	7 Y, 0 N	Barnhill	Ahearn
2) Schools & Learning Council	12 Y, 0 N, As CS	Barnhill	Cobb
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

CS/HB 187 creates the Diana Kautz Student Safety Sponsors Act. CS/HB 187 allows district school boards to adopt policies regarding “private sponsorship of school buses for the installation of crash protection equipment”.

Any person or business entity, as determined by the school board, may sponsor the installation of seat belt assemblies by paying a sponsorship fee. The fee is determined by the school board. The money collected must be distributed as follows:

- Up to five percent to an advertisement agent;
- Up to 45 percent to pay for the cost of installation of safety belts; and
- The remaining funds to be deposited in the General Revenue Fund, to be used for transportation purposes.

In exchange for the sponsorship, the district school board places signage on the exterior rear, lower-quarter panels of the school bus to acknowledge the sponsor, if such signage is requested by the sponsor. This acknowledgement will say, “Safety belts sponsored by” followed by the name of the sponsor. This acknowledgement is *optional*.

If the district opts to participate in this sponsorship program, seat belts that are installed on school buses must meet the requirements established under Federal Motor Vehicle Safety Standards. CS/HB 187 limits the liability of sponsors of school buses and requires the sponsorship signage to be covered, in addition to any other signs or insignia that designate the bus as a school bus, when the school bus is being used for nonschool purposes.

Please see FISCAL ANALYSIS, section II.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. HOUSE PRINCIPLES ANALYSIS:

CS/HB 187 does not appear to implicate any of the House Principles.

### B. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

Current Florida law requires school buses to meet the applicable Federal Motor Vehicle Safety Standards and other specifications as prescribed by rules of the State Board of Education.<sup>1</sup> The current Federal Motor Vehicle Safety Standards, applicable to all school buses sold in the United States, only require buses to be equipped with a passive passenger protection system known as “compartmentalization.” Compartmentalization is a term used to describe the existing passenger seating system on school buses. The seating system consists of high backed seats which are 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.<sup>2</sup>

Compartmentalization has been used on school buses since April 1977. Children in school buses with compartmentalization, without belt-type restraints, are over eight times safer than if they, for example, walked, biked, or rode in their parent’s car to school.<sup>3</sup>

In addition, Florida law requires that all buses purchased new after December 31, 2000, must be equipped with safety belts<sup>4</sup> or with any other restraint system approved by the federal government in a number sufficient to allow each student who is being transported to use a separate safety belt or restraint system.<sup>5</sup> This requirement of safety belts increases the cost of buses by an estimated \$1,884.

The Florida School Bus Specifications and the 2005 National School Transportation Specifications and Procedures require uniformity of school bus appearance. These specifications require school buses to be “National School Bus Yellow”. This standard color ensures high visibility and instant recognition by motorists.

Current Florida law requires “School Bus” inscriptions to be covered when the school bus is used for nonschool purposes<sup>6</sup>. When a school bus is not being used to transport school students, any signs or insignia that mark or designate it as a school bus must be covered, removed, or otherwise concealed.

#### **Effects of Proposed Changes**

CS/HB 187 creates a new section of law that allows district school boards to adopt policies to allow private sponsorship of school buses for the installation of crash protection equipment. CS/HB 187 allows any person, or business entity, to sponsor such installation by paying a sponsorship fee. Sponsorship fees will be determined by policies adopted by district school boards. The money collected through sponsorship fees will be distributed up to five percent to pay the cost of an advertising

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<sup>1</sup> s. 1006.25(2), F.S.

<sup>2</sup> Defined as over 10,000 pounds gross vehicle weight rating.

<sup>3</sup> National Highway Traffic Safety Administration, Report to Congress, School Bus Safety: Crashworthiness Research, April 2002.

<sup>4</sup> The safety belts required on new school buses in Florida are lap belts. The safety belts to be installed on sponsored school buses are a shoulder and lap belt combination (type two safety belts).

<sup>5</sup> s. 316.6145, F.S.

<sup>6</sup> A nonschool purpose is using the bus to carry passengers other than school students, as authorized by the district school board (s. 1006.25(3), F.S.); for example, transporting participants in the welfare transition program (s. 1006.261(3), F.S.).

agent involved with the transaction; up to 45 percent to pay for the cost of the seat belt assemblies and the cost of installation; and the remaining funds will be deposited in the General Revenue Fund to be used for transportation purposes.

CS/HB 187 limits the number of business sponsors per bus to four business entities. Individual sponsorships or cosponsorships are to be provided for by district school board policy.

The district school board is required to place signage on the exterior rear, lower-quarter panels of the school bus to acknowledge the sponsor, if such signage is requested by the sponsor. If the sponsor is a business entity, the signage may include the logo of the business entity. The acknowledgement on the bus will say "Safety belts sponsored by" followed by the name of the sponsor. District school board policies will stipulate the design and size of the signage. This recognition is optional and at the request of the sponsor.

The sponsored school bus must be equipped with a seat belt assembly that meets the requirements for type two seat belt assemblies, consisting of a shoulder and lap belt combination.<sup>7</sup> A different pelvic and upper torso restraint system may be used if approved by the federal government. There must also be enough seat belts to allow each student being transported to use a separate pelvic and upper torso restraint system.

The optional installation of type two safety belts on school buses will reduce the seating capacity, based on data from bus manufacturers. For example, a typical 65 passenger bus would hold 47 passengers when equipped with type two safety belts. This is an optional program, as such, the money school districts receive for capital and operational costs will remain the same. Districts that choose to allow the sponsorship of school buses would be responsible for the purchase of new school buses, as needed, to remedy the loss of needed seating capacity due to the installation of type two safety belts.

No liability, duty, or responsibility will be imposed on business entities or individuals who sponsor a school bus. The sponsors will not be held liable for any action relating to the installation, use, disuse, or misuse of any seat belt assembly on a school bus.

CS/HB 187 amends section 1006.25(3), F.S., which requires "School Bus", and any other signs and insignia that mark or designate the bus a school bus, to be covered when a school bus, authorized by the district school board, is carrying passengers other than school students. CS/HB 187 amends this section to require the sign of sponsorship<sup>8</sup> to be covered in addition to "School Bus" inscriptions and any other signs and insignia designating the bus a school bus.

CS/HB 187 amends section 1006.25(4), F.S., which requires students to use the occupant crash protection system provided by the manufacturer.<sup>9</sup> CS/HB 187 amends this section to require the use of the occupant crash protection system installed in the vehicle. By changing the language from "provided by the manufacturer" to "installed in the vehicle" CS/HB 187 allows a safety belt system to be later installed in a school bus.

CS/HB 187 also amends section 1006.261, F.S., which requires "School Bus" inscriptions to be covered when a school bus is being used for nonschool purposes, other than the transportation of the transportation disadvantaged. CS/HB 187 amends this section to require, in addition, that the sign of sponsorship<sup>10</sup> be covered when the bus is being used for nonschool purposes.

There is some concern that allowing advertisements on buses may distract drivers, thus posing a safety concern. However, there is no available data confirming that sponsorship signage on school buses would compromise safety. Additionally, legislation in Arizona, Minnesota, Nevada, New Mexico,

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<sup>7</sup> Established under Federal Motor Vehicle Safety Standard No. 209, 49 C.F.R. s. 571.209.

<sup>8</sup> As provided in s. 1006.273.

<sup>9</sup> In compliance with 49 C.F.R. part 571.

<sup>10</sup> As provided in s. 1006.273.

Tennessee, and Texas allow advertisements on school buses. Although there is no explicit legislation addressing advertising on school buses, school districts in Colorado and New York also allow advertising on school buses.<sup>11</sup>

C. SECTION DIRECTORY:

- Section 1.** Creates the "Diana Kautz Student Safety Sponsors Act".
- Section 2.** Creates s. 1006.273; providing for district school boards to adopt policies for private sponsorship of described seat belt assemblies on school buses; providing for a sponsorship fee; providing for use of moneys collected; providing for signage on the exterior of the school bus acknowledging sponsorship; providing for design and size of the signage by local school board policy; limiting the liability of sponsors.
- Section 3.** Amends s. 1006.25, F.S.; requiring sponsor signs to be covered when school buses are transporting passengers who are not school students; revising the requirement that students use the crash protection system on a school bus.
- Section 4.** Amends s. 1006.261, F.S., requiring sponsor signs to be covered when school buses are used for nonschool purposes.
- Section 5.** Provides an effective date of July 1, 2007.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

CS/HB 187 appears to increase state government revenues due to the provision that at least 50 percent of the moneys collected for each bus sponsorship would be deposited into the General Revenue Fund. It is unknown how much money will be received from the allowance of sponsorships for seat belts on school buses.

2. Expenditures:

CS/HB 187 does not appear to impact state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

CS/HB 187 does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

CS/HB 187 does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Business entities that choose to sponsor safety belts on school buses will incur the cost of the voluntary sponsorship, but they will also most likely benefit economically from the sponsorship signage on the exterior of school buses.

Advertising agents selected to provide the signage on school buses to recognize the sponsor of the seat belts on the bus will also benefit from CS/HB 187. The agent chosen will receive up to 5 percent of money obtained by the local school board for the sponsorship of the bus.

D. FISCAL COMMENTS:

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<sup>11</sup> Corporate Advertising on School Buses: State Policy Examples, Education Commission of the States, [www.ecs.org/clearinghouse/13/17/1317.htm](http://www.ecs.org/clearinghouse/13/17/1317.htm)

CS/HB 187 may increase revenues to district school boards that adopt policies for sponsorship of safety belts for school buses. School districts will receive an increase in revenues from the sponsorship fees. The money collected through the sponsorship fees will be distributed up to five percent to pay the cost of an advertising agent involved with the transaction; up to 45 percent to pay for the cost of the seat belt assemblies and the cost of installation; and the remaining funds will be deposited in the General Revenue Fund to be used for transportation purposes.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

CS/HB 187 does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

CS/HB 187 does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

CS/HB 187 does not appear to reduce the percentage of state tax shared with counties or municipalities.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

#### **D. STATEMENT OF THE SPONSOR**

### **IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**

The Committee on K-12 adopted one amendment on March 27, 2007. Representative Vana's amendment removes the provision in the bill that required school boards to provide sponsorship of new school buses.

On April 10, 2007, the Schools and Learning Council reported the bill favorably as a council substitute. The CS differs from the bill in that it removes the provision in the bill discussed above.