

Date of Hearing: April 11, 2018

ASSEMBLY COMMITTEE ON EDUCATION

Patrick O'Donnell, Chair

AB 1798 (Chu) – As Amended March 14, 2018

[This bill was double referred to the Assembly Transportation Committee and was heard by that committee as it applies to issues within its jurisdiction.]

SUBJECT: Schoolbuses: passenger restraint systems

SUMMARY: Requires all school buses to have seatbelts by July 1, 2035. Specifically, **this bill:**

- 1) Requires a person or public or private entity that owns or operates a school bus that is used for the transportation of a pupil attending a public or private primary or secondary school to be equipped with a passenger restraint system for all designated seating positions.
- 2) Requires the passenger restraint system to be in compliance with federal motor vehicle safety standards as those standards were in effect on the date the school bus was manufactured.
- 3) Provides that an individual may comply with this section by either retrofitting any non-compliant school bus with passenger restraint systems at all designated seating positions, or replacing any non-compliant school bus with a school bus equipped with passenger restraint systems at all designated seating positions.
- 4) Provides that a person, school district, or organization, with respect to a school bus with passenger restraint system shall not be charged with a violation of this code or regulation adopted requiring a passenger to use a passenger restraint system, if a passenger on the school bus fails to use or improperly uses the passenger restraint system.

EXISTING LAW:

Existing federal law requires that small school buses (10,000 pounds or less) be equipped with a seatbelt at each seating position.

Existing state law:

- 1) Requires all school buses purchased or leased for use in California to be equipped at all designated seating positions with a combination pelvic and upper torso passenger restraint system by 2004 or 2005 depending on the type of school bus.
- 2) Prohibits a person, school district, or organization from being charged for a violation of a requirement of a passenger to use a passenger restraint system if a passenger on the school bus fails to use or improperly uses the passenger restraint system.
- 3) States the intent of the Legislature that school pupil transportation providers work to ensure that elementary level school bus passengers receive first priority for new school buses whenever feasible, as specified.

FISCAL EFFECT: Legislative Counsel has keyed this bill a state-mandated local program

COMMENTS: In 1999, the Legislature passed and Governor Davis signed AB 15 (Gallegos), Chapter 648, Statutes of 1999, which required all school buses purchased or leased for use in California to have a seatbelt by 2002 or 2003, depending on the type of school bus. The following year the legislature extended the requirement to 2004 or 2005 in anticipation of a study conducted by the National Highway Traffic Safety Administration (NHTSA) on whether seatbelts were necessary in school buses.

In 2002 NHTSA released their report concluding that lap belts appear to have little, if any, benefit in reducing serious-to-fatal injuries in severe frontal crashes. NHTSA recognized that school bus transportation is one of the safest forms of transportation in the United States. Because of the use of compartmentalization, school buses are significantly safer than cars or trucks. School bus seats, made with an energy-absorbing steel inner structure and high, padded seat backs, are secured to the school bus floor. Students are protected within the seating compartment much like eggs in a carton. According to NHTSA, American students are nearly eight times safer riding in a school bus than with their own parents and guardians in cars.

The fatality rate for school buses is only .2 fatalities per 100 million vehicle miles traveled (VMT), compared to 1.5 fatalities per 100 million VMT for cars. In nearly 10 years, the fatality rate for pupils in school buses was 174, compared to an estimated 40,200 traffic fatalities in 2016 alone.

Recently, however, NHTSA has changed course on its stance on seatbelts in school buses. In 2015 the NHTSA administrator stated, “The position of the National Highway Traffic Safety Administration is that seat belts save lives So NHTSA’s policy is that every child on every school bus should have a three-point seat belt.”

The National Transportation Safety Board has also recognizes the benefits of seatbelts on school buses and states, “Although school buses are extremely safe, we have investigated school bus crashes in which children were injured and even killed. These were typically side-impact crashes or high-speed rollovers. In these accidents, compartmentalization was not enough to prevent all injuries; for some of the children involved, a seat belt could have lessened their injuries or even saved their lives. As result of our school bus crash investigations, we believe—and have recommended—that, when investing in new school buses, the purchased vehicles should provide children with the best protection available, which includes 3-point seat belts.”

California, Arkansas, Florida, Louisiana, New Jersey, New York, and Texas have passed some variation of a requirement for school buses to have seatbelts. At least 29 states introduced legislation last year to mandate seatbelts.

According to the California Highway Patrol (CHP), the number of school buses with passenger restraint systems has increased steadily since requiring new school buses to have seatbelts. The percentage of school buses equipped with restraint systems increased from around 7.4 percent (1,900 out of 25,822) in 2007 to around 54.4 percent (10,710 out of 19,690) in 2016. Based on these numbers, the CHP estimates that by 2025, around 90% of school buses could be equipped with restraint systems.

Related legislation. AB 692 (Chu) of 2017, would have required school districts to provide information to the California Department of Education (CDE) and the CHP to formulate a plan

to have all school buses equipped with passenger restraint systems by January 1, 2023. AB 692 was held on the Senate Appropriations Committee suspense file.

AB 15 (Gallegos), Chapter 648, Statutes of 1999, requires all school buses manufactured on or after a certain date to be equipped with passenger restraint systems.

SB 568 (Morrow), Chapter 581, Statutes of 2001, delayed the effective date for the requirement for all school buses to be manufactured with seatbelts to July 1, 2005 for type 1 school buses, and July 1, 2004 for type 2 school buses.

SB 20 (Hill), Chapter 593, Statutes of 2017, requires certain passengers of buses to wear a seatbelt if a seatbelt is equipped. This law excludes school buses.

REGISTERED SUPPORT / OPPOSITION:

Support

American Academy of Pediatrics
California Medical Association
County Health Executives Association of California

Opposition

None received

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