

HB 341

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE

First Reader

House Bill 341

(Delegate Miele, *et al.*)

Environment and Transportation

Maryland Student Transportation Safety Act

This bill requires every school vehicle registered in the State and manufactured or assembled on or after October 1, 2019, to be equipped with seat belts for every seat on the school vehicle. A person may *not operate* a school vehicle unless the person and each occupant are restrained by a seat belt. However, for students with special needs or children who are too young to operate a seat belt, a nonpublic school administration or the local school system may establish a policy regarding the restraint of pupils by seat belts on school vehicles and must provide written notice of the policy to the person that operates a school vehicle. The operator of a school vehicle must notify the nonpublic school administration or the local school system of a student's failure to comply with the requirement to be restrained by a seat belt during transport on a school vehicle. "Seat belt" is defined as any belt, strap, harness, or like device.

The bill takes effect October 1, 2019.

Fiscal Summary

State Effect: Motor Vehicle Administration (MVA) vehicle inspection costs and State law enforcement costs are not materially affected.

Local Effect: Local school system expenditures increase statewide by a total of \$6.0 million in FY 2021 and \$6.2 million in FY 2022 to equip newly purchased school buses with seat belts as part of scheduled annual school bus replacements. Expenditures continue at similar annual levels, increasing due to cost inflation and the need for additional buses statewide. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Small businesses that sell and install seat belts may realize increased revenues. It is assumed that costs associated with increased school bus purchase

prices incurred by contractors serving local school systems will be passed on to the local school systems.

Analysis

Current Law/Background: The driver of a school bus is responsible for operation of the school bus and may not drive it into a roadway without first stopping and determining that there is no danger from any other vehicle. The person responsible for any pupils on a school bus is the teacher on the bus or, if a teacher is not present, the driver.

A person responsible for pupils on a school bus may not permit (1) the number of standing pupils to exceed one pupil for each part of the aisle that is bounded by forward facing seats or (2) any pupil to stand if the school bus is equipped with any lengthwise seats. A person responsible for pupils on a school bus may not require any pupil to sit on the floor and may not permit any pupil to operate the front door opening mechanism, except in an emergency, or to stand in front of the stanchion and guardrail.

Every motor vehicle registered in Maryland and assembled after June 1, 1964, must be equipped with two sets of seat belts in the front seat of the vehicle and, if assembled after June 1, 1969, must have two sets of seat belts on the rear seat of the vehicle. However, for purposes of this requirement, "motor vehicle" does not include any bus, motorcycle, truck, or taxicab. Generally, a person may not operate a motor vehicle unless the person and each occupant under age 16 are restrained by a seat belt or a child safety seat, and a person who is at least age 16 is responsible for being restrained by a seat belt while being a passenger in a motor vehicle. For persons over 16 years old, a rear seat belt violation is a secondary offense. These provisions do not apply to a person for whom a physician licensed in the State determines and certifies in writing that use of a seat belt would prevent appropriate restraint due to the person's physical disability or other medical reason. A person convicted of a violation of this requirement is subject to a fine of up to \$50. However, for purposes of this requirement, a school bus is among classes of vehicles that are exempted.

Every motor vehicle used by nursery schools, camps, day nurseries, or day care centers for children with intellectual disabilities that is used to transport children must be equipped with seat belts for each seat and be subject to other regulations prescribed by MVA, unless the vehicle is a Type I school vehicle or was formerly registered as a Type I school vehicle.

Except as otherwise specified, a "school vehicle" is one that is used regularly for the exclusive transportation of children, teachers, or students for educational purposes or in connection with a school activity and is either a Type I school vehicle or a Type II school vehicle. A "Type I school vehicle" is designed and constructed to carry passengers and is either of the body-on chassis type construction or the integral type construction. It has a

gross vehicle weight (GVW) exceeding 15,000 pounds and provides at least 13 inches of seating space per passenger. A Type I school vehicle does not include any bus operated by a common carrier under the jurisdiction of a State, regional, or federal regulatory agency or operated by the agency itself. A “school bus” is a Type I school vehicle.

A “Type II school vehicle” is defined in a way similar to the Type I school vehicle, except that it has a GVW of 15,000 pounds or less and does not explicitly exclude buses operated by common carriers under the jurisdiction of a State, regional, or federal regulatory agency or operated by the agency itself.

State Aid for Student Transportation

The State provides grants to assist local school systems with the cost of transporting students to and from school. The grants consist of three components: regular student ridership funds; additional enrollment funds; and special education student ridership funds. The regular student ridership funds are based on the local school system’s grant in the previous year increased by inflation. Local school systems with enrollment increases receive additional funds. The special education student ridership funds are based on a \$1,000 per student grant for transporting disabled students. The fiscal 2018 State budget includes \$250.6 million for general transportation services and \$25.7 million for special transportation services.

School Vehicle Seat Belts and Safety

The National Highway Traffic Safety Administration (NHTSA) has produced a report focused on transportation crashes nationwide from 2004 to 2013. The report indicates that 0.4% of fatal motor vehicle traffic crashes during the time period were classified as school-transportation related. Of the 1,344 people who died as a result of school-transportation-related crashes (averaging about 134 per year), 8% were occupants of school vehicles, 71% were occupants of other vehicles involved in the crash, and 21% were nonoccupants (pedestrians, bicyclist, etc.). Of the 327 individuals aged 0 to 18 who died nationwide due to these crashes from 2004 to 2013, 54 were occupants of school vehicles, 147 were occupants of other vehicles, and 126 were pedestrians or otherwise nonoccupants. The Department of Legislative Services is aware of one school-transportation-related fatality of a student in Maryland during this period; the incident apparently did not involve a vehicular crash. NHTSA has also reported that students are far more likely to arrive alive at school when taking the school bus instead of a passenger car.

According to *Governing*, as of February 2016, California state law requires three-point seat belts on school vehicles; Florida, New Jersey, and New York require lap belts; and Louisiana and Texas passed laws requiring safety restraints.

In May 2015, the 16th National Congress on School Transportation reiterated earlier recommendations that lap seat belts not be installed on passenger seats in large school buses (*i.e.*, those over 10,000 pounds) except in conjunction with child safety restraint systems that comply with federal requirements for those systems. The Maryland State Department of Education (MSDE) advises that both the American Academy of Pediatrics and the National Association of State Directors of Pupil Transportation Services support the use of three-point seat belts on school buses but oppose the installation/use of lap belts only.

Local Fiscal Effect: According to MSDE and Montgomery County Public Schools, the cost for including three-point (lap and shoulder) seat belts totals about \$7,500 per school bus, while equipping a school bus with lap seat belts costs about \$1,970 per bus. The following analysis assumes that each local school system adopts the same multiyear approach to equip school buses with seat belts and, per the recommendations cited above, that all of these will include three-point seat belts.

MSDE advises that it is typical for local school systems to purchase new or replacement school buses in the summer (*i.e.*, between school years). This analysis assumes that all school systems will act accordingly to comply with the bill beginning in the summer of 2020 and, further, that they will all purchase buses in 2020 on or after July 1 (thus avoiding additional costs under the bill in fiscal 2020). To the extent that local school systems purchase some school buses prior to July 1, 2020, some of the fiscal effects described below begin in fiscal 2020.

There are approximately 8,260 school buses without seat belts in the State that are subject to the bill's provisions. Given a 12-year replacement cycle for most school buses, and given an estimated 0.75% annual increase in the number of buses each school system will require, it is assumed that the total number of buses subject to being equipped with seat belts will be approximately 8,580 by fiscal 2022 and that about 740 buses with seat belts will be added annually in fiscal 2021 and 2022.

Assuming 2% annual inflation in seat belt costs, this results in a statewide *total* cost to local school systems of \$12.2 million from fiscal 2021 to 2022 (fiscal 2022 is the final year covered by this fiscal and policy note). This equates to annual statewide local costs of \$6.0 million in fiscal 2021, increasing with inflation and a few additional buses to \$6.2 million by fiscal 2022. The cost will be covered by each local school system according to its share of the current 8,300 school buses. Therefore, cost increases range considerably across counties. In fiscal 2021, Montgomery and Prince George's counties will each realize over \$900,000 in additional expenditures, while Kent and Somerset counties will each realize less than \$30,000 in additional expenditures.

Assuming a 12-year replacement cycle for buses, virtually all school buses will be equipped with seat belts under the bill by fiscal 2032. By that year, annual expenditures for local school systems increase statewide by \$8.1 million. Increased costs, compared to current law, continue in subsequent years according to regular replacement schedules.

It is assumed that most vehicles transporting children with intellectual disabilities are not Type I vehicles, and to the extent that they are, those vehicles are more likely to already have seat belts than other school buses. Vehicles that are Type I are included in the estimate above for public schools and below for private schools.

For purposes of this analysis, the requirement that a school bus cannot be operated unless the driver and each occupant are restrained by a seat belt only applies to school buses purchased after the effective date of the bill.

Additional Comments: School buses as defined by the bill, which are used by private schools to transport students as well as drivers and teachers on those buses, are subject to provisions of the bill. Based on information provided by MVA, there are as many as 880 such buses used to transport private school students. Accordingly, private school expenditures increase beginning in fiscal 2021. However, it is not known how many of these buses might be equipped with seat belts. Based on estimates above, private school expenditures statewide increase by as much as \$600,000 annually through fiscal 2022 and increase further in the out-years.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel, Garrett, and Montgomery counties; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Department of State Police; Maryland Department of Transportation; National Highway Traffic Safety Administration; *Governing*; *Baltimore Sun*; Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2017
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