

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 155

(Senator Brochin, *et al.*)

Judicial Proceedings

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School Vehicles - Seat Belts - Requirements

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This bill requires every school vehicle registered in the State and purchased on or after July 1, 2018, to be equipped with seat belts for every seat on the school vehicle. Seat belts under the bill must be 3-point seat belts or integrated toddler seat belts.

The bill takes effect July 1, 2018.

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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 \$23.7 million from FY 2019 through 2022 to equip newly purchased school buses with seat belts as part of scheduled annual school bus replacements. **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.

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## Analysis

**Current Law:** 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 seatbelt or a child safety seat, and a person who is at least age 16 is responsible for being restrained by a seatbelt while being a passenger in a motor vehicle. 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 conjunction 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 includes buses operated by common carriers

under the jurisdiction of a State, regional, or federal regulatory agency or operated by the agency itself.

**Local Fiscal Effect:** According to the Maryland State Department of Education and Montgomery County Public Schools, the cost for including a 3-point (lap and shoulder) seat belt totals about \$7,500 per school bus, while equipping a school bus with integrated toddler seat belts costs as much as \$9,800 per bus. The following analysis assumes that each local school system adopts the same multiyear approach to equip school buses with seat belts and that the great majority of these will include 3-point seat belts only.

There are approximately 8,260 school buses without seat belts 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 that will have to be equipped with seat belts will be approximately 8,390 by fiscal 2019, increasing to approximately 8,580 by fiscal 2022.

Assuming 2% annual inflation in seatbelt costs, this results in a statewide *total* cost to local school systems of \$23.7 million from fiscal 2019 to 2022 (fiscal 2022 is the final year covered by this fiscal and policy note). This equates to annual statewide local costs of \$5.7 million in fiscal 2019, increasing with inflation and 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 8,200 school buses. Therefore, cost increases range considerably across counties. In fiscal 2019, Montgomery and Prince George's counties will each realize approximately \$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 2030. By that year, annual expenditures for local school systems increase statewide by \$7.7 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.

**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 2019. 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.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Montgomery County; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - January 24, 2017  
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Analysis by: Scott P. Gates

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510