

Carey M. Wright, Ed.D. Interim State Superintendent of Schools

BILL: Senate Bill 724 DATE: February 21, 2024

SUBJECT: Motor Vehicles - School Buses - Seat Belts COMMITTEE: Judicial Proceedings

POSITION: Information Only

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EXPLANATION:

The Maryland State Department of Education (MSDE) is providing information for consideration regarding Senate Bill (HB) 724 — Motor Vehicles - School Buses - Seat Belts, which would require Local Education Agencies (LEAs) to exclusively purchase school buses with "seat belts" installed on all seats beginning October 1, 2024, and to retrofit all school buses currently in use to have "seat belts" retrofitted beginning October 1, 2026. The bill would also prohibit students from standing while a bus is in motion and prohibit a school bus from being operated if any student is not secured in their seat. SB 724 mandates that an education component on the proper use of seat belts be included in the public school safety education program.

In exploring the issue of seatbelts and students' safety, industry experts and federal agencies have reviewed accident data and studies on the safety of students on school buses. According to the National Highway Safety Transportation Administration (NHTSA):

"Students are about 70 times more likely to get to school safely when taking a bus instead of traveling by car. That's because school buses are the most regulated vehicles on the road; they're designed to be safer than passenger vehicles in preventing crashes and injuries; and in every State, stop-arm laws protect children from other motorists."

Seat belts have been required on passenger cars since 1968, and 49 States and the District of Columbia have enacted laws requiring the use of seat belts in passenger cars and light trucks. There is no question that seat belts play an important role in keeping passengers safe in these vehicles. However, school buses are different by design and include a more advanced and highly effective safety restraint system. Large school buses are heavier and distribute crash forces differently than passenger cars and light trucks. Due to these differences, bus passengers experience significantly less crash force than those in passenger cars, light trucks, and vans.

The NHTSA decided the best way to provide crash protection to passengers on large school buses is through a concept called "compartmentalization." This requires that the interior of large school buses protect children without the need for seat belts. "Through compartmentalization, children are protected from crashes by strong, closely spaced seats that have energy-absorbing seat backs. Whereas small school buses (with a gross vehicle weight rating of 10,000 pounds or less) must be equipped with lap and/or lap/shoulder belts at all designated seating positions. Since the sizes and weights of small school buses are closer to those of passenger cars and trucks, seat belts in these types of vehicles are necessary to provide occupant protection.

Some states have passed legislation requiring school buses to have seatbelts and have clearly defined the term "Seat Belt," as recommended by the National Transportation Safety Board (NTSB), which states, "Any state law requiring "Seat Belts" for school buses, the term "Seat Belt" must be clearly defined as a "... (3-point) passenger lap/shoulder belts for all passenger seating positions in accordance with 49 CFR §571.222, Federal Motor Vehicle Safety Standard No. 222; School bus passenger seating and crash protection" Three-point seat belts are similar to seat belts in standard vehicles, with the belt going over the shoulder and across the body, in addition to across the lap.

Currently, MSDE is not involved in the purchase or acquisition of school buses across the state. Under Maryland Education Law 7-804, A school bus can operated for 12 years, unless the county is Allegany, Anne Arundel, Calvert, Caroline, Cecil, Charles, Dorchester, Garrett, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, or Worcester which can operate for 15 years. As LEAs can purchase or contract with more or less school vehicles every year, it is difficult to predict the number of school buses that will be in use the following year let alone purchased and delivered in the same time period.

Additionally, certain states that have laws that require seat belts on school buses (New York, New Jersey, Florida, Louisiana, Arkansas, Texas, Nevada, and California), and that students must wear the belts. In these cases, immunity is typically provided to bus drivers from any liability if students are not belted. This removal of liability allows school systems to continue to provide transportation of students regardless of whether a student is standing or unbelted.

Following a strict "no operation of a school bus if a student is not in a seat belt" while the bus is in motion rule would greatly hinder the transportation of students getting to or from school if one student does not follow the requirement to be secured in their seat.

In implementing this legislation, LEAs would be required to only transport students belted while the bus is in motion. This bill would dramatically increase the number of students not being transported at the start of the school year; a time when students are added to existing routes and loads are being adjusted. SB 724 would likely increase the number of school buses and drivers needed to deal with the reduced flexible capacity for school buses and impact the current and ongoing shortage of drivers in many LEAs.

We provide this information and respectfully request that you consider this information when you deliberate on **SB 724**. For further information, please contact Dr. Akilah Alleyne at 410-767-0504, or Akilah.alleyne@maryland.gov.