

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1473 (Delegate Fraser-Hidalgo, *et al.*)  
Environment and Transportation

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Public Schools - School Vehicles - Three-Point Seat Belts

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This bill requires every school vehicle purchased after January 1, 2018, and registered in the State to be equipped with three-point seat belts for every seat on the school vehicle. Local school systems must provide student instruction on school vehicle safety and the proper use of seat belts on school vehicles, as part of an existing program of safety education. A person may not operate a school vehicle unless the person and each occupant under 16 years old are restrained by a seat belt. A person convicted of a violation of this requirement is subject to a fine of up to \$50. "Seat belt" is defined as any belt, strap, harness, or like device. Persons responsible for pupils on a school vehicle may not allow any pupil to stand while the school vehicle is in motion.

The bill takes effect January 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. State court system costs and fee revenue are not substantially altered.

**Local Effect:** Local school system expenditures increase statewide by a total of \$5.7 million in FY 2019 and by \$6.0 million in FY 2021, assuming that additional costs associated with required seat belts are covered through the regular cycle 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 16 years old are restrained by a seatbelt or a child safety seat, and a person who is at least 16 years old is responsible for being restrained by a seatbelt while being a passenger in a motor vehicle. For persons over 16 years old, a rear seat belt violation is a secondary offense. 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.

Each public school must have a program of safety education that is organized and administered under bylaws, rules, and regulations of the State Board of Education.

**Local Fiscal Effect:** The Maryland State Department of Education (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 2018 and, further, that they will all purchase buses in 2018 on or after July 1 (thus avoiding additional costs under the bill in fiscal 2018). To the extent that local school systems purchase some school buses prior to July 1, 2018, some of the fiscal effects described below begin in fiscal 2018.

According to MSDE, the cost for including three-point (lap and shoulder) belts in a new school bus will total approximately \$7,500 per bus in fiscal 2017. There are approximately 8,200 school buses that fit the definition of buses that will require three-point seat belts by January 1, 2018. Given the 12 to 15 year replacement cycles for school buses in each of the 24 local school systems, this estimate assumes that costs are spread over 12 years for the initial purchase of buses to comply with the bill. Assuming an estimated 0.75% annual increase in the number of buses each school system will require each year, it is assumed that the total number of buses that will have to be purchased with seat belts under the bill will be approximately 730 statewide.

Further assuming 2% annual inflation in seatbelt costs (from \$7,500 in fiscal 2017 to \$7,800 in fiscal 2019), this equates to a statewide total additional cost to local school systems of \$5.7 million in fiscal 2019. The cost will be covered by each local school system according to their share of the current 8,200 school buses. Therefore, cost increases range considerably across counties. In fiscal 2019, Prince George’s and Montgomery counties will each realize over \$870,000 in additional expenditures, while Kent and Somerset counties will each realize less than \$30,000 in additional expenditures. By fiscal 2021, additional local costs statewide total \$6.0 million. These additional costs continue in the future as local school systems replace or purchase new school buses.

MSDE advises that all local school systems provide some level of school vehicle safety instruction to students. It is assumed that incorporating instruction on seat belt safety will not result in substantial local operational or fiscal effects.

**Additional Comments:** School buses as defined by the bill that 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 870 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 are equipped with seat belts. Based on estimates discussed above, private school expenditures statewide increase by as much as \$600,000 annually.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Prince George's County, Maryland State Department of Education, Maryland Department of Transportation, Department of Legislative Services

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