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FISCAL AND POLICY NOTE
First Reader

Senate Bill 183

(Senator Brochin, *et al.*)

Judicial Proceedings

School Vehicles - Seat Belts - Requirements

This bill requires every school vehicle registered in the State 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 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. Also, 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 July 1, 2022.

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 \$60.8 million from FY 2017 through 2022 to equip all school buses with seat belts by the bill's effective date. Beginning in FY 2023, expenditures increase statewide by \$1.4 million annually 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.

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. 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: Local school systems will have the option to equip school buses with lap belts only, or with lap and shoulder belts. According to the Maryland State Department of Education, the cost for including lap belts only in a new school bus totals approximately \$1,970 while the cost for lap and shoulder belts totals about \$7,500 per bus. To retrofit existing buses the cost is \$11,500 for lap belts and \$21,000 for lap and shoulder belts. The following analysis assumes the lower cost option of lap belts only, though local school systems may opt for lap and shoulder belts. The analysis also assumes that each local school system adopts the same multi-year approach to equip school buses with seat belts.

There are approximately 8,200 school buses without seat belts that are subject to the bill’s provisions. Given 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 equipped with seat belts will be approximately 8,580 by the effective date of the bill. Given 12 to 15 year replacement cycles for school buses in each of the 24 local school systems, it is estimated that half (4,290) will be new school buses and the other half will be existing school buses in need of retrofitting with seat belts.

Assuming 2% annual inflation in seatbelt costs, this equates to a statewide total cost to local school systems over the six-year period, from fiscal 2017 to 2022, of \$60.8 million. Assuming local school systems spread the costs out relatively evenly over the time period, this equates to \$9.4 million in statewide local costs in fiscal 2017, increasing with inflation and additional buses to \$10.8 million by fiscal 2022. 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 2017 Prince George’s and Montgomery counties will each realize \$1.5 million in additional expenditures, while Kent and Somerset counties will each realize less than \$50,000 in additional expenditures.

In fiscal 2023 and subsequent years, annual local school system cost increases drop to \$1.4 million as compared to current law requirements, because the higher cost option of retrofitting school buses will no longer be necessary.

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 2017. 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 \$1.0 million annually through fiscal 2022.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of State Police, Maryland Department of Transportation, Department of Legislative Services

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min/rhh

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