

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. FUSCHILLO -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to requiring the usage of seat safety belts by passengers of school buses which are equipped with such belts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Subdivision 1 of section 3623 of the education law, as
2 amended by chapter 474 of the laws of 1996, is amended to read as
3 follows:
- 4 1. a. NO SCHOOL BUS, AS THAT TERM IS DEFINED IN SECTION ONE HUNDRED
5 FORTY-TWO OF THE VEHICLE AND TRAFFIC LAW, WHICH IS EQUIPPED WITH SEAT
6 SAFETY BELTS AS SPECIFIED IN SUBDIVISION FIVE OF SECTION THREE HUNDRED
7 EIGHTY-THREE OF THE VEHICLE AND TRAFFIC LAW AND SECTION THIRTY-SIX
8 HUNDRED THIRTY-FIVE-A OF THIS ARTICLE, SHALL BE OPERATED UNLESS ALL
9 PASSENGERS ARE RESTRAINED BY A SEAT SAFETY BELT.
- 10 b. ON EVERY SCHOOL BUS EQUIPPED WITH SEAT SAFETY BELTS, AS SPECIFIED
11 IN SUBDIVISION FIVE OF SECTION THREE HUNDRED EIGHTY-THREE OF THE VEHICLE
12 AND TRAFFIC LAW AND SECTION THIRTY-SIX HUNDRED THIRTY-FIVE-A OF THIS
13 ARTICLE, THE COMMISSIONER OF TRANSPORTATION SHALL POST AND MAINTAIN IN
14 PLAIN VIEW OF THE PASSENGERS A CONSPICUOUS WARNING SIGN READING "NEW
15 YORK STATE LAW REQUIRES EVERY PASSENGER OF THIS SCHOOL BUS TO WEAR A
16 SEATBELT WHILE THIS BUS IS IN OPERATION".
- 17 c. The commissioner of transportation in consultation with the commis-
18 sioner shall adopt, promulgate and enforce rules, standards and specifi-
19 cations regulating and controlling the efficiency and equipment of
20 school buses used to transport pupils, with particular regard to the
21 safety and convenience of such pupils and the suitability and adaptabil-
22 ity of such school buses to the requirements of the school district.
23 THE COMMISSIONER OF TRANSPORTATION SHALL BEAR ALL COSTS ASSOCIATED WITH

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD02310-01-9

1 PROVIDING, INSTALLING AND MAINTAINING THE WARNING SIGNS MANDATED PURSU-
2 ANT TO PARAGRAPH B OF THIS SUBDIVISION. No school bus shall be purchased
3 by a school district or used for the transportation of pupils unless and
4 until it has been approved by the commissioner of transportation as
5 complying with the rules, standards and specifications relating thereto.

6 [b.] D. No bus manufactured after January first, nineteen hundred
7 seventy-four shall be used to transport pupils under any contract with a
8 school district or board of cooperative educational services unless it
9 has been similarly approved by the commissioner of transportation,
10 except that no such approval shall be required for buses used to trans-
11 port pupils and also used to serve the general public under a certifi-
12 cate of public convenience for the operation of a bus line, granted
13 pursuant to the transportation law or for buses used to transport
14 pupils, teachers and other persons acting in a supervisory capacity to
15 and from school activities and which bus does not receive or discharge
16 passengers on or along the public highways on regularly scheduled routes
17 and is operating under a permit as a contract carrier of passengers
18 granted pursuant to the transportation law or by the interstate commerce
19 commission. School buses manufactured or assembled prior to April
20 first, nineteen hundred seventy-seven may not be used to transport
21 pupils, teachers and other persons acting in a supervisory capacity to
22 and from school activities.

23 [c.] E. The commissioner shall PROVIDE FOR THE ENFORCEMENT OF PARA-
24 GRAPH A OF THIS SUBDIVISION AND SHALL establish and provide for the
25 enforcement of rules and regulations requiring instruction on the use of
26 seat safety belts as specified in subdivision five of section three
27 hundred eighty-three of the vehicle and traffic law and section thirty-
28 six hundred thirty-five-a of this [chapter] ARTICLE, drills in safe
29 boarding and exiting procedures and emergency drills to be conducted on
30 all school buses and shall emphasize specific hazards encountered by
31 children during snow, ice, rain and other inclement weather. All such
32 drills shall include instruction in the importance of orderly conduct by
33 all school bus passengers. A minimum of three such drills shall be had
34 on each school bus during the school year, the first to be conducted
35 during the first seven days of session of the fall term.

36 S 2. Section 3635-a of the education law, as added by chapter 747 of
37 the laws of 1986, subdivision 1 as amended by chapter 474 of the laws of
38 1996, is amended to read as follows:

39 S 3635-a. Safety belt usage. 1. A board of education or board of
40 trustees may, in its discretion, following a public hearing for the
41 purpose of determining whether a resolution shall be adopted, provide
42 for the [use] INSTALLATION of seat safety belts on such school buses, in
43 accordance with regulations and standards established by the commission-
44 er under subdivision one of section thirty-six hundred [thirty-eight]
45 TWENTY-THREE of this [chapter] ARTICLE.

46 2. Such public hearing, conducted upon reasonable notice, shall be
47 held to consider: (a) whether the district shall install seat safety
48 belts on buses purchased and/or contracted for prior to the effective
49 date of this section [and require their use]; AND (b) when such instal-
50 lation shall be provided[, and (c) whether use of seat safety belts
51 shall be required on all school buses within the district so equipped
52 after a date to be determined by the board of education or board of
53 trustees].

54 3. Such hearings shall consider the effect of seat safety belts
55 installation on the total number of students that can be transported on
56 such buses.

1 4. Within twenty days after the public hearing, the board of education
2 or board of trustees shall, by resolution, determine whether to require
3 installation [and use] of seat safety belts on some or all school buses.

4 4-A. IF THE BOARD OF EDUCATION OR BOARD OF TRUSTEES HAS DETERMINED TO
5 REQUIRE THE INSTALLATION OF SEAT SAFETY BELTS, THE USE OF SUCH BELTS
6 SHALL BE MANDATORY PURSUANT TO PARAGRAPH A OF SUBDIVISION ONE OF SECTION
7 THIRTY-SIX HUNDRED TWENTY-THREE OF THIS ARTICLE.

8 5. This section shall apply only to vehicles owned or leased by school
9 districts and nonpublic schools, and to vehicles used to perform
10 contracts with such school districts and nonpublic schools for the
11 purpose of transporting school children for hire.

12 6. Nothing in this section shall be construed to impose a duty upon
13 boards of education or boards of trustees to provide seat safety belts
14 on school buses purchased or contracted for prior to the effective date
15 of this section, nor shall any board of education or board of trustees
16 be held liable for failure to provide seat safety belts pursuant to this
17 section. A school board member or trustee shall have immunity from any
18 civil or criminal liability that might otherwise be incurred or imposed
19 as a result of the provisions of this section provided that such person
20 shall have acted in good faith. For the purpose of any proceeding, civil
21 or criminal, the good faith of any such person shall be presumed.

22 7. The provisions of this section shall not apply to school districts
23 which are using safety belts on school buses or have installed or have
24 contracted for the installation of seat safety belts prior to the effec-
25 tive date of this section.

26 S 3. This act shall take effect on the first of September next
27 succeeding the date on which it shall have become a law.