STATE OF NEW YORK

4701

2017-2018 Regular Sessions

IN ASSEMBLY

February 3, 2017

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the education law, in relation to requiring three-point seat safety belts on school buses

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 5 of section 383 of the vehicle and traffic law, as added by chapter 747 of the laws of 1986, is amended to read as follows:

5. (a) Passenger seat safety belts for school buses. Every school bus, as defined in section one hundred forty-two of this chapter, manufactured for use in this state on and after July first, [~~nineteen hundred eighty-seven~~] two thousand nineteen, shall be designed so that all passenger seats on such vehicle are equipped with three-point seat safety belts and increased seat back padding on passenger seats of a type and specification as approved by the commissioner of transportation through the adoption of rules and regulations. Such rules and regulations shall provide that when any contactable surface of the school bus, as specified in the Federal Motor Vehicle Safety Standard, 49 CFR Section 571.222, is impacted from any direction at twenty-two feet per second by the head form, the axial acceleration at the center of gravity of the head form shall be such that the head form impact requirement shall not exceed eight hundred.

(b) Passenger three-point seat safety belts for existing school buses. [~~Any~~] Every school bus, as defined in section one hundred forty-two of this chapter, [~~which is scheduled for retrofitting pursuant to action by a board of education or board of trustees under section thirty-six hundred thirty-five-a of the education law~~] not equipped with three-point seat safety belts shall be retrofitted so that all passenger seats on such vehicles are equipped with three-point seat safety belts and additional padding of a type and specification as approved by the

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

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commissioner of transportation through the adoption of rules and regulations. Such rules and regulations shall provide that when any contactable surface of the school bus as specified in the Federal Motor Vehicle Safety Standard, 49 CFR Section 571.222 is impacted from any direction at twenty-two feet per second by the head form, the axial acceleration at the center of gravity of the head form shall be such that the head form impact requirement shall not exceed eight hundred. Furthermore, the commissioner shall have the power through rules and regulations to exempt certain design school buses from retrofitting. In granting such exemptions, the commissioner shall consider safety factors, structural integrity of the school buses and any other items deemed necessary to preserve the safety and welfare of the school bus passengers. Provided further, however, that the commissioner of transportation shall not authorize retrofitting of any school bus manufactured prior to April first, [~~nineteen hundred seventy-seven~~] **two thousand four**.

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

§ 3635-a. Safety belt usage. 1. A board of education or board of trustees may, in its discretion, following a public hearing for the purpose of determining whether a resolution shall be adopted, provide for the use of **three-point** seat safety belts on such school buses, in accordance with regulations and standards established by the commissioner [~~under subdivision one of section thirty-six hundred thirty-eight of this chapter~~].

2. Such public hearing, conducted upon reasonable notice, shall be held to consider: (a) whether the district shall install **three-point** seat safety belts on buses purchased and/or contracted for prior to [~~the effective date of this section~~] **July first, two thousand nineteen** and require their use; (b) when such installation shall be provided, and (c) whether use of **three-point** seat safety belts shall be required on all school buses within the district so equipped after a date to be determined by the board of education or board of trustees.

3. Such hearings shall consider the effect of **three-point** seat safety belts installation on the total number of students that can be transported on such buses.

4. Within twenty days after the public hearing, the board of education or board of trustees shall, by resolution, determine whether to require installation and use of **three-point** seat safety belts on some or all school buses.

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

6. Nothing in this section shall be construed to impose a duty upon boards of education or boards of trustees to provide **three-point** seat safety belts on school buses purchased or contracted for prior to [~~the effective date of this section~~] **July first, two thousand nineteen**, nor shall any board of education or board of trustees be held liable for failure to provide **three-point** seat safety belts pursuant to this section. A school board member or trustee shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed as a result of the provisions of this section provided that such person shall have acted in good faith. For the purpose of any proceeding, civil or criminal, the good faith of any such person shall be presumed.

7. The provisions of this section shall not apply to school districts which are using **three-point seat** safety belts on school buses or have installed or have contracted for the installation of **three-point** seat safety belts prior to [~~the effective date of this section~~] **July first, two thousand nineteen**.

§ 3. This act shall take effect on the thirtieth day following a first appropriation for the school districts electing to provide for the use of three-point seat safety belts; provided that the commissioner of education shall notify the legislative bill drafting commission upon the occurrence of such appropriation in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.