

# STATE OF NEW YORK

8385

2021-2022 Regular Sessions

## IN ASSEMBLY

October 20, 2021

Introduced by M. of A. CUSICK, ZEBROWSKI, REYES -- 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:

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

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

18 (b) Passenger three-point seat safety belts for existing school buses.  
19 [~~Any~~] Every school bus, as defined in section one hundred forty-two of  
20 this chapter, [~~which is scheduled for retrofitting pursuant to action by~~  
21 ~~a board of education or board of trustees under section thirty six~~  
22 ~~hundred thirty five-a of the education law~~] not equipped with three-  
23 point seat safety belts shall be retrofitted so that all passenger seats  
24 on such vehicles are equipped with three-point seat safety belts and  
25 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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1 commissioner of transportation through the adoption of rules and regu-  
2 lations. Such rules and regulations shall provide that when any contact-  
3 able surface of the school bus as specified in the Federal Motor Vehicle  
4 Safety Standard, 49 CFR Section 571.222 is impacted from any direction  
5 at twenty-two feet per second by the head form, the axial acceleration  
6 at the center of gravity of the head form shall be such that the head  
7 form impact requirement shall not exceed eight hundred. Furthermore, the  
8 commissioner shall have the power through rules and regulations to  
9 exempt certain design school buses from retrofitting. In granting such  
10 exemptions, the commissioner shall consider safety factors, structural  
11 integrity of the school buses and any other items deemed necessary to  
12 preserve the safety and welfare of the school bus passengers. Provided  
13 further, however, that the commissioner of transportation shall not  
14 authorize retrofitting of any school bus manufactured [~~prior to April~~  
15 ~~first, nineteen hundred seventy-seven~~] for use on or after two thousand  
16 thirteen.

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

20 § 3635-a. Safety belt usage. 1. A board of education or board of  
21 trustees may, in its discretion, following a public hearing for the  
22 purpose of determining whether a resolution shall be adopted, provide  
23 for the use of three-point seat safety belts on such school buses, in  
24 accordance with regulations and standards established by the commission-  
25 er [~~under subdivision one of section thirty-six hundred thirty-eight of~~  
26 ~~this chapter~~].

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

35 3. Such hearings shall consider the effect of three-point seat safety  
36 belts installation on the total number of students that can be trans-  
37 ported on such buses.

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

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

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

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

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