

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 940 (Delegates Haynes and Morhaim)
Environment and Transportation

Education - School Vehicles Used by Private Entities - Seat Belt Requirement

This bill requires that every school vehicle that is used by a private, nongovernmental entity under a contract with a local school system to transport students to school must be equipped with seat belts. A person may *not operate* a school vehicle for a private, nongovernmental entity under contract with a local school system to transport students unless the person and each occupant under age 16 are restrained by a seat belt. A violator of this provision is subject to a fine of not more than \$50. “Seat belt” is defined as any belt, strap, harness, or like device.

The bill takes effect July 1, 2017.

Fiscal Summary

State Effect: Motor Vehicle Administration (MVA) vehicle inspection costs and State law enforcement costs are not materially affected.

Local Effect: Based on assumptions discussed below, local school system expenditures increase statewide (to equip contracted school buses with seat belts) by a total of \$83.4 million in FY 2018, \$2.7 million in FY 2019, and \$2.9 million by FY 2022. The costs will vary considerably across local school systems – those that directly provide for the transportation of students to school are not affected. Potential minimal increase in local revenues due to the bill’s monetary penalty provision. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: It is assumed that small businesses contracting with local school systems to transport students will pass on costs under the bill to those school systems. Small businesses that sell and install seat belts may realize increased revenues.

Analysis

Current Law/Background: 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 age 16 are restrained by a seat belt or a child safety seat, and a person who is at least age 16 is responsible for being restrained by a seat belt while being a passenger in a motor vehicle. For persons over age 16, a rear seat belt violation is a secondary offense. These provisions do not apply to a person for whom a physician licensed in the State determines and certifies in writing that use of a seat belt would prevent appropriate restraint due to the person’s physical disability or other medical reason. 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 connection 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 does not explicitly exclude buses operated by common carriers under the jurisdiction of a State, regional, or federal regulatory agency or operated by the agency itself.

State Aid for Student Transportation

The State provides grants to assist local school systems with the cost of transporting students to and from school. The grants consist of three components: regular student ridership funds; additional enrollment funds; and special education student ridership funds. The regular student ridership funds are based on the local school system’s grant in the previous year increased by inflation. Local school systems with enrollment increases receive additional funds. The special education student ridership funds are based on a \$1,000 per student grant for transporting disabled students. The fiscal 2018 State budget includes \$250.6 million for general transportation services and \$25.7 million for special transportation services.

School Vehicle Seat Belts and Safety

The National Highway Traffic Safety Administration (NHTSA) has produced a report focused on transportation crashes nationwide from 2004 to 2013. The report indicates that 0.4% of fatal motor vehicle traffic crashes during the time period were classified as school-transportation related. Of the 1,344 people who died as a result of school-transportation-related crashes (averaging about 134 per year), 8% were occupants of school vehicles, 71% were occupants of other vehicles involved in the crash, and 21% were nonoccupants (pedestrians, bicyclist, etc.). Of the 327 individuals age 0 to 18 who died nationwide due to these crashes from 2004 to 2013, 54 were occupants of school vehicles, 147 were occupants of other vehicles, and 126 were pedestrians or otherwise nonoccupants. The Department of Legislative Services is aware of one school-transportation-related fatality of a student in Maryland during this period; the incident apparently did not involve a vehicular crash. NHTSA has also reported that students are far more likely to arrive alive at school when taking the school bus instead of a passenger car.

According to *Governing*, as of February 2016, California state law requires three-point (lap and shoulder) seat belts on school vehicles; Florida, New Jersey, and New York require lap belts; and Louisiana and Texas passed laws requiring safety restraints.

In May 2015, the 16th National Congress on School Transportation reiterated earlier recommendations that lap seat belts not be installed on passenger seats in large school buses (*i.e.*, those over 10,000 pounds) except in conjunction with child safety restraint systems that comply with federal requirements for those systems. The Maryland State Department of Education (MSDE) advises that both the American Academy of Pediatrics

and the National Association of State Directors of Pupil Transportation Services support the use of three-point seat belts on school buses but oppose the installation/use of lap belts only.

Local Fiscal Effect: Local school systems will have the option to equip contracted school buses with lap seat belts only, or with three-point (lap and shoulder) seat belts. For the purposes of this analysis, it is assumed that private contractors pass on the full cost of equipping school buses with seat belts. According to MSDE, the cost for including lap belts only in a new school bus totals approximately \$1,970 while the cost for three-point seat belts totals about \$7,500 per bus. To retrofit existing buses the cost is about \$11,500 for lap seat belts and about \$21,000 for three-point seat belts. The following analysis assumes that, per the recommendations cited above, all of the buses affected by the bill will include three-point seat belts. Further, given the July 1, 2017 effective date, the analysis assumes that by fiscal 2018 all buses affected by the bill will have to be retrofitted. Beginning in fiscal 2019, based upon a 12-year replacement cycle for buses, approximately one-twelfth of contracted buses will be new buses with three-point seat belts included (not retrofitted).

Statewide, approximately 47% of school buses used to transport students to public schools are used by a private, nongovernmental entity under a contract with a local school system. This amounts to about 3,860 of the 8,260 school buses without seat belts in the State. Given an estimated 0.75% annual increase in the number of buses each school system will require, it is assumed that the total number of buses subject to being equipped with seat belts will be approximately 3,890 by fiscal 2018. In fiscal 2019, about 340 buses affected by the bill will be added, and by fiscal 2022, this number grows to approximately 350 annually.

Assuming 2% annual inflation in seat belt costs resulting in a cost of \$21,420 per bus, and given approximately 3,890 buses, the statewide cost to local school systems will be approximately \$83.4 million in fiscal 2018. Assuming the 0.75% annual increase in the number of buses per school system, continued 2% annual inflation in seat belt costs, and a 12-year replacement cycle for buses, the statewide annual cost to local school systems will be approximately \$2.7 million in fiscal 2019, increasing to \$2.9 million by fiscal 2022.

The cost will be covered by each local school system according to its share of the current 3,860 privately contracted school buses. According to the latest data available through MSDE, the share of school buses that are contracted by local school systems (compared to publicly owned) ranges from no school buses in three counties (Frederick, Montgomery, and Talbot) to 100% in six counties (Calvert, Garrett, Howard, Kent, Somerset, and Worcester). Only about 1% of Prince George's County public school buses are contracted, and in Baltimore and Washington counties, the percentages contracted are 13% and 27%, respectively. In the remaining 12 counties, the great majority of public school buses are contracted. Therefore, cost increases range considerably across counties.

Baltimore City and Anne Arundel, Harford, and Howard counties each account for 10% or more of school buses affected by the bill. Of the \$83.4 million in additional statewide local costs in fiscal 2018, Baltimore City's share will be approximately \$8.5 million; the share will be \$12.3 million for Anne Arundel County, \$8.3 million for Harford County, and \$11.1 million for Howard County. Also, increased costs for Carroll, Charles, and St. Mary's counties are estimated to be above \$4.5 million each by fiscal 2018.

Additional Information

Prior Introductions: None.

Cross File: SB 987 (Senator Nathan-Pulliam) - Judicial Proceedings.

Information Source(s): Harford, Montgomery, Queen Anne's, and St. Mary's counties; Maryland State Department of Education; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2017
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