

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 196

(Delegate Taveras, *et al.*)

Environment and Transportation and
Ways and Means

Judicial Proceedings

Motor Vehicles - School Buses - Seat Belts

This bill requires every school bus purchased on or after July 1, 2027, and registered in the State to be equipped with three-point seat belts that are accessible to passengers for every seat on the school bus. Local school systems must provide student instruction on school bus safety and the proper use of seat belts on school buses, as part of an existing program of safety education. The failure of a school bus operator to ensure that an occupant of a school bus was wearing a seat belt may not be the basis of a civil action for damages against the school bus operator or a school, school district, or municipality. As under current law, “seat belt” is defined as any belt, strap, harness, or like device.

Fiscal Summary

State Effect: None.

Local Effect: Local school system expenditures increase statewide by approximately \$4.9 million annually over a 12-year period beginning in FY 2028, assuming that additional costs associated with required seat belts are covered through the regular cycle of scheduled annual school bus replacements. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal.

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.

Each public school must have a program of safety education that is organized and administered under bylaws, rules, and regulations of the State Board of Education.

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 (other than an autocycle), or truck. 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. For persons over 16 years old, a rear seat belt violation is a secondary offense. 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.

Local Fiscal Effect: The Maryland State Department of Education (MSDE) advises that it is typical for local school systems to purchase new or replacement school buses in the summer (*i.e.*, between school years). Therefore, local expenditures increase beginning in summer 2027 (fiscal 2028) and continue over a 12-year period (through fiscal 2039), at which time all school buses in the State are assumed to be equipped with three-point seat belts.

According to MSDE, new school buses that have seat belts installed for every passenger are approximately \$10,000 more expensive than those without them. Given the 12 to 15 year replacement cycles for school buses in each of the 24 local school systems, this estimate assumes that local school systems meet the bill’s requirements over approximately 12 years. As the number of school buses in the State have remained relatively constant over the past decade, this analysis assumes a stable number of school buses throughout the State over the 12-year forecast period.

In total, local school system expenditures are anticipated to increase by \$4.9 million annually from fiscal 2028 through 2039. The cost will be covered by each local school

system according to their share of the 5,928 school buses assumed to be affected by the bill. Therefore, cost increases range considerably across local school systems. For example, Prince George's and Baltimore counties may realize approximately \$856,700 and \$675,800 in additional expenditures annually through fiscal 2039, while Kent and Somerset counties will each realize approximately \$18,300 and \$28,300 in additional expenditures annually over the 12-year implementation period.

Montgomery County reports that it already purchases school buses with seat belts and has done so since 2020; thus, the bill is assumed to have no additional impact on Montgomery County finances. To the extent additional counties are already purchasing school buses with seat belts, the impact of the bill is less significant. However, the precise number of school buses in the State that are equipped with seat belts consistent with the bill's requirement cannot be determined at this time.

MSDE advises that all local school systems provide some level of school vehicle safety instruction to students. It is assumed that incorporating instruction on seat belt safety will not result in substantial local operational or fiscal effects.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 724 (Senator Benson) - Judicial Proceedings.

Information Source(s): Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Department of State Police; Maryland Department of Transportation; Baltimore City Public Schools; Baltimore County Public Schools; Anne Arundel County Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; Frederick County Public Schools; Wicomico County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

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