

Some states have passed legislation requiring school buses to have seatbelts and have clearly defined the term “Seat Belt,” as recommended by the National Transportation Safety Board (NTSB), which states, “Any state law requiring “Seat Belts” for school buses, the term “Seat Belt” must be clearly defined as a “... (3-point) passenger lap/shoulder belts for all passenger seating positions in accordance with 49 CFR §571.222, Federal Motor Vehicle Safety Standard No. 222; School bus passenger seating and crash protection” Three-point seat belts are similar to seat belts in standard vehicles, with the belt going over the shoulder and across the body, in addition to across the lap.

Currently, MSDE is not involved in the purchase or acquisition of school buses across the state. Under Maryland Education Law 7-804, A school bus can operated for 12 years, unless the county is Allegany, Anne Arundel, Calvert, Caroline, Cecil, Charles, Dorchester, Garrett, Kent, Queen Anne’s, St. Mary’s, Somerset, Talbot, Wicomico, or Worcester which can operate for 15 years. As LEAs can purchase or contract with more or less school vehicles every year, it is difficult to predict the number of school buses that will be in use the following year let alone purchased and delivered in the same time period.

Additionally, certain states that have laws that require seat belts on school buses (New York, New Jersey, Florida, Louisiana, Arkansas, Texas, Nevada, and California), and that students must wear the belts. In these cases, immunity is typically provided to bus drivers from any liability if students are not belted. This removal of liability allows school systems to continue to provide transportation of students regardless of whether a student is standing or unbelted.

Following a strict “no operation of a school bus if a student is not in a seat belt” while the bus is in motion rule would greatly hinder the transportation of students getting to or from school if one student does not follow the requirement to be secured in their seat.

In implementing this legislation, LEAs would be required to only transport students belted while the bus is in motion. This bill would dramatically increase the number of students not being transported at the start of the school year; a time when students are added to existing routes and loads are being adjusted. HB 196 would likely increase the number of school buses and drivers needed to deal with the reduced flexible capacity for school buses and impact the current and ongoing shortage of drivers in many LEAs.

We provide this information and respectfully request that you consider this information when you deliberate on **HB 196**. For further information, please contact Dr. Akilah Alleyne at 410-767-0504, or Akilah.alleyne@maryland.gov.