



February 21, 2024

The Honorable William C. Smith Jr. and Members
Judicial Proceedings Committee
Senate Office Building
Annapolis, MD 21401

Re: SUPPORT WITH AMENDMENTS – SB 724 - Motor Vehicles - School Buses - Seat Belts

Dear Chair Smith and Members of the Committee:

In its current form, the Maryland School Bus Contractors Association (MSBCA) opposes – SB 724 – Motor Vehicles - School Buses - Seats Belts which would prohibit certain persons from allowing pupils to stand in a school bus while the school bus is in motion; requiring that school buses purchased after October 1, 2024, be equipped with seat belts that are accessible to passengers; requiring school buses in operation on October 1, 2024, to have seat belts installed that are accessible to passengers for every seat on the bus on or before October 1, 2026; prohibiting a person from operating a school bus unless the person and each occupant are restrained by a seat belt; etc. However, with the amendments offered by the House sponsor Delegate Taveras of cross-filed bill HB 196, MSBCA can support this bill with the corresponding amendments.

MSBCA serves as the voice of the private school bus companies that contract with local Maryland school systems in 18 of Maryland’s 24 jurisdictions to own and operate the nearly 3500 contracted school buses that transport schoolchildren across the State.

First and foremost, MSBCA remains committed to the safety of the students they transport and considers it a privilege to do so. The Association also remains committed to the position that the **yellow school bus is by far the safest mode of transporting children to and from school, with or without seat belts**. School buses have been demonstrated as the safest mode of transportation for many years, thanks to the manufacturers' dedication to passenger safety and responsible school bus contractors and drivers.

There are over 480,000 public school buses operating in the United States, transporting approximately 26 million students about 5.7 billion miles annually. Students are nearly eight times safer riding in a school bus than with their own parents and or guardians in cars. The fatality rate for school buses is only 0.2 fatalities per 100 million vehicle miles traveled compared to 1.5 fatalities per 100 million VMT for cars, per the NHTSA. From 2012 to 2021, about 70% of the deaths in school bus-related crashes were occupants of vehicles other than the school bus, and 16% were pedestrians. About 5% were school bus passengers, 5% were school bus drivers, and 3% were cyclists. This is thanks to the school bus’s fortified exterior as well as the use of compartmentalization, which provides passive protection for unbelted passengers. Passengers remain in compartments between the high backed, padded bus seats and, in the event of an accident, the seat backs absorb passenger crash energy.

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With or without seat belts, the school bus is without a doubt the absolute safest means by which a student can travel to school.

While MSBCA cannot and does not unequivocally oppose the requirement of seat belts on newly manufactured buses, we have several significant concerns with the indirect and unintended consequences of seat belts on school buses.

Requiring seat belt installation and usage on Maryland school buses creates a number of challenges for school systems and contractors, whose primary function is safely transporting children to and from school.

Eight states (NCSL) currently require some form of seat belts on school buses; however, most of those do not mandate the use of the belt and at least half of them explicitly exempt owners and operators and their agents from liability in the case of personal injury to a passenger not wearing a seat belt. This is imperative as the potential for lawsuits is enormous and are being filed even in those states that simply require that buses be equipped with seat belts and do not mandate their use. It will be virtually impossible to find a driver willing to drive a school bus unless the issue of liability is adequately addressed.

Another obstacle for bus contractors and drivers is enforcement. Drivers have an already difficult job in safely transporting children to and from schools on crowded roadways during peak travel periods. It would be an almost impossible task to have drivers to police students' utilization of seat belts as they are focused on the road and the process of driving.

Retrofitting school buses in many cases voids the manufacturer's coverage of the existing bus. These vehicles are engineered with safety in mind from the start and changes to seats and other components of a bus may compromise the integrity of design. Furthermore, if a retrofit were required, costs to schools' systems would be cost prohibitive as estimates would approach \$25,000-\$30,000 per bus. So, to retrofit just the contracted buses currently in operation, (approximately 3500) it would cost the state's school systems more than \$120 Million.

By mandating that school buses be equipped with seat belts for all passengers, SB 724 is likely to create displacement by reducing the number of pupils able to ride each bus. Such displacement would greatly decrease the safety of those affected students since school buses are without question the absolute safest way to transport children to and from school. In fact, the National Student Transportation Association (NSTA) estimates that the increased risk from students finding alternative, less safe means of getting to and from school could result in an increase of school fatalities annually.

MSBCA is also extremely concerned about the potential for entrapment in the case of a bus fire. There have been at least two instances in recent years in which school buses have caught fire and the student passengers have had just 1 or 2 minutes to evacuate. While thankfully these instances resulted in no fatalities, we are concerned this would not have been the case if those students had been wearing seatbelts and were forced to unhook them in the total blackness and panic of a smoke-filled bus.

We also anticipate that seat belts on school buses would lead to far more lengthy stops for buses and it would lead to problems with existing routes and bell times as well as people passing buses that are idling longer.

Additional concerns include a lack of equivalent protection for school children being transported to and from school on MTA buses in Baltimore City; potential problems with parents when both school buses with seat belts

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and those without are operating at the same time; and questions regarding the life cycle of the belts and whether a given school bus must temporarily be taken out of operation in the event of a broken or damaged belt.

For these reasons, MSBCA respectfully asks the committee to move favorable on SB 724 with the following Amendments:

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 7 down through “date;” in line 8; and strike beginning with “person” in line 8 down through “belt” in line 10 and substitute “civil action for damages based on a failure to ensure that an occupant of a school bus was wearing a seat belt”.

AMENDMENT NO. 2

On page 3, in lines 3 and 10, in each instance, strike the bracket; strike beginning with “A” in line 10 down through “MOTION” in line 12; in line 13, strike the first set of brackets; in the same line, strike “(D)”; in lines 15, 17, and 19, in each instance, strike the bracket; in lines 15, 17, and 19, strike “(E)”, “(F)”, and “(G)”, respectively; in line 29, strike “(1)”; and in the same line, strike “2024” and substitute “2026”.

On pages 3 and 4, strike in their entirety the lines beginning with line 32 on page 3 through line 2 on page 4, inclusive.

On page 4, in line 25, strike “(1)”; and strike in their entirety lines 28 through 30, inclusive.

On page 6, after line 9, insert:

“(4) 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.”

Again, MSBCA looks forward to working with the legislators to make Maryland the safest state in the country for our children.

Sincerely,

Steve Nelson

Steve Nelson
President
Maryland School Bus Contractors Association
1 State Circle
Annapolis, MD 21401
410.268.3099

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