

## HOUSE BILL No. 2546

By Representative Treaster

11-18

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9 AN ACT relating to school buses; requiring seat belts.

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11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. (a) In addition to the requirements in federal motor ve-  
13 hicle safety standard no. 222 (49 CFR 571.222), every school bus shall be  
14 equipped with lap-shoulder seat belts, also referred to as a three-point  
15 harness system, for each seating position on such buses that are in con-  
16 formity with applicable federal standards. The state board of education  
17 shall adopt rules and regulations which are in conformity with applicable  
18 federal standards for the design and installation of such seat belts for  
19 buses required to be retrofitted under the provisions of this section.

20 (b) On and after the effective date of this act, bid specifications for  
21 the purchase of any school bus subject to the provisions of this section,  
22 shall include the requirement for lap-shoulder seat belts.

23 (c) Every passenger on a school bus which is equipped with seat belts  
24 shall wear a properly adjusted and fastened seat belt that is in conformity  
25 with applicable federal standards at all times while the bus is in operation.

26 (d) Nothing in this section shall make the owner or operator of a  
27 school bus liable for failure to properly adjust and fasten a seat belt that  
28 is in conformity with applicable federal standards for a passenger who  
29 sustains injury as a direct result of a passenger's failure to comply with  
30 the requirements established by this section except that nothing in this  
31 subsection shall be construed to grant immunity from liability for failure  
32 to:

33 (1) Maintain in operating order any seat belt equipment required by  
34 this section; or

35 (2) comply with any applicable law or rule and regulation concerning  
36 seat belt requirements.

37 (e) This section shall require any school bus in operation or purchased  
38 prior to the effective date of this act to be retrofitted with seat belts as  
39 required by this section.

40 (f) The state board of education shall develop and implement a school  
41 bus safety program covering such subjects as loading zone behavior, be-  
42 havior when boarding, being discharged from and being transported in  
43 school buses, and the proper use of seat belts.

- 1 (g) For the purpose of this section:
- 2 (1) "Bus" means every motor vehicle, as defined in K.S.A. 8-126, and
- 3 amendments thereto, which is designed for transporting more than 10
- 4 passengers in addition to the driver; and
- 5 (2) "school bus" means every bus designed primarily for the trans-
- 6 portation of pupils, students or school personnel to or from school or to
- 7 or from school-related functions or activities. This definition includes
- 8 every such bus which is owned by a school district, or privately owned
- 9 and contracted for, leased or hired by a school district, and operated for
- 10 such transportation, and every such bus which is privately owned and
- 11 operated for such transportation, but does not include within its meaning
- 12 any bus designated in paragraph (4) of subsection (c) of K.S.A. 72-8301,
- 13 and amendments thereto.
- 14 Sec. 2. This act shall take effect and be in force from and after Jan-
- 15 uary 1, 2007, and its publication in the statute book.