

<http://www.revisor.leg.state.mn.us/cgi-bin/bldbill.pl?bill=H0935.0&session=1s81>

A bill for an act relating to education; authorizing lap and shoulder belts on school buses; requiring training on appropriately using lap and shoulder belts; requiring a local match; authorizing a levy; appropriating money; amending Minnesota Statutes 1998, sections 123B.90, subdivisions 2, 3, and by adding a subdivision; 123B.92, by adding a subdivision; 169.447, by adding subdivisions; and 169.4502, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1998, section 123B.90, subdivision 2, is amended to read:

Subd. 2. [STUDENT TRAINING.] (a) Each district must provide public school pupils enrolled in grades kindergarten through 10 with age-appropriate school bus safety training. The training must be results-oriented and shall consist of both classroom instruction and practical training using a school bus. Upon completing the training, a student shall be able to demonstrate knowledge and understanding of at least the following competencies and concepts:

- (1) transportation by school bus is a privilege and not a right;
- (2) district policies for student conduct and school bus safety;
- (3) appropriate conduct while on the school bus;
- (4) the danger zones surrounding a school bus;
- (5) procedures for safely boarding and leaving a school bus;
- (6) procedures for safe street or road crossing; and
- (7) school bus evacuation and other emergency procedures; and
- (8) appropriate training on the use of lap belts or lap and shoulder belts.

(b) Each nonpublic school located within the district must provide all nonpublic school pupils enrolled in grades kindergarten through 10 who are transported by school bus at public expense and attend school within the district's boundaries with training as required in paragraph (a). The school district shall make a bus available for the practical training if the district transports the nonpublic students.

Each nonpublic school shall provide the instruction.

(c) All students enrolled in grades kindergarten through 3 who are transported by school bus and are enrolled during the first or second week of school must demonstrate achievement of the school bus safety training competencies by the end of the third week of school. All students enrolled in grades 4 through 10 who are transported by school bus and are enrolled during the first or second week of school must demonstrate achievement of the competencies by the end of the sixth week of school. Students enrolled in grades kindergarten through 10 who enroll in a school after the second week of school and are transported by school bus shall undergo school bus safety training and demonstrate achievement of the school bus safety competencies within four weeks of the first day of attendance. The pupil transportation safety director in each district must certify to the commissioner annually that all students transported by school bus within the district have satisfactorily demonstrated knowledge and understanding of the school bus safety competencies according to this section or provide an explanation for a student's failure to demonstrate the competencies. The principal or other chief

administrator of each nonpublic school must certify annually to the public transportation safety director of the district in which the school is located that all of the school's students transported by school bus at public expense have received training. A district may deny transportation to a student who fails to demonstrate the competencies, unless the student is unable to achieve the competencies due to a disability, or to a student who attends a nonpublic school that fails to provide training as required by this subdivision.

(d) A district and a nonpublic school with students transported by school bus at public expense must, to the extent possible, provide kindergarten pupils with bus safety training before the first day of school.

(e) A district and a nonpublic school with students transported by school bus at public expense must also provide student safety education for bicycling and pedestrian safety, for students enrolled in grades kindergarten through 5.

(f) A district and a nonpublic school with students transported by school bus at public expense must make reasonable accommodations for the school bus, bicycle, and pedestrian safety training of pupils known to speak English as a second language and pupils with disabilities.

Sec. 2. Minnesota Statutes 1998, section 123B.90, subdivision 3, is amended to read:

Subd. 3. [MODEL TRAINING PROGRAM.] The commissioner shall develop a comprehensive model school bus safety training program for pupils who ride the bus that includes bus safety curriculum for both classroom and practical instruction, methods for assessing attainment of school bus safety competencies, and age-appropriate instructional materials. The model-training program must include information on the appropriate use of lap belts or lap and shoulder belts, as applicable. The program must be adaptable for use by students with disabilities.

Sec. 3. Minnesota Statutes 1998, section 123B.90, is amended by adding a subdivision to read:

Subd. 4. [PARENTAL NOTIFICATION.] A school board that adopts a policy requiring the use of seat belts on school buses must annually notify each student's parent or guardian of the district's seat belt policy and of its student seat belt training procedures.

Sec. 4. Minnesota Statutes 1998, section 123B.92, is amended by adding a subdivision to read:

Subd. 11. [LEVY FOR SEAT BELTS.] A school board may, with or without voter approval, annually levy for the amounts necessary to make the local match for the costs associated with school buses equipped with lap belts or lap and shoulder belts.

Sec. 5. Minnesota Statutes 1998, section 169.447, is amended by adding a subdivision to read:

Subd. 2a. [PASSENGER LAP AND SHOULDER BELTS.] (a) In addition to the requirements in section 169.4501, subdivision 1, a school bus may be equipped with an approved lap belt or an approved lap and shoulder belt installed for each passenger-seating position on the bus. The design and installation of lap belts and lap and shoulder belts required under this paragraph must meet the standards of the commissioner established under paragraph (b).

(b) The commissioner shall consider all concerns necessary to properly integrate lap belts or lap and shoulder belts into the current compartmentalization safety system and prescribe standards for the design and installation of lap and shoulder belts required

under paragraph (a). The standards are not subject to chapter 14 and are specifically not subject to section 14.386.

(c) This subdivision does not apply to specially equipped school buses under section 169.4504.

(d) A passenger on a school bus equipped with lap belts or lap and shoulder belts must use these lap belts or lap and shoulder belts unless the passenger, or if the passenger is a minor, the passenger's parent or guardian, has notified the school district in writing that the passenger does not intend to wear the lap belt or lap and shoulder belt.

(e) Proof of the use or failure to use lap belts or lap and shoulder belts or proof of the installation or failure of installation of lap belts or lap and shoulder belts is not admissible in evidence in any litigation involving personal injuries or property damage resulting from the use or operation of any school bus.

(f) Unless grossly negligent, an owner or an operator of a school bus is not liable for failure of an owner, operator, or passenger to properly adjust, fasten, or wear a lap belt or lap and shoulder belt or other child restraint system that conforms with applicable federal standards for a passenger who sustains an injury as a direct result of the passenger's failure to comply with the requirement established by this section.

Sec. 6. Minnesota Statutes 1998, section 169.447, is amended by adding a subdivision to read:

Subd. 2b. [SEAT BACKS.] In addition to the requirements in section 169.4501, subdivision 1, a school bus manufactured after January 1, 2000, with lap belts or lap and shoulder belts must have a minimum seat back height of 28 inches or higher as required under subdivision 2a, paragraph (b).

Sec. 7. Minnesota Statutes 1998, section 169.4502, is amended by adding a subdivision to read:

Subd. 16. [BUS LENGTH.] The school bus may be up to 45 feet in overall length when lap belts or lap and shoulder belts are installed.

Sec. 8. [APPROPRIATIONS.]

\$...... is appropriated in fiscal year 2000 from the general fund to the commissioner of children, families, and learning to make grants to school districts and school bus operators to purchase school buses with lap belts or lap and shoulder belts. The commissioner shall consider the size and age of a school district or operators bus fleet when awarding grants under this section. Grants must be awarded with priority given to updating the oldest school bus fleets. A grant recipient must match the state aid amount with at least one-dollar of local source money for each one dollar received in state aid.

This appropriation is available until June 30, 2001.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 7 are effective the day following final enactment.

Education Policy Committee Members:

<http://www.house.leg.state.mn.us/comm/education/edmem.htm>