

FIRST REGULAR SESSION

HOUSE BILL NO. 185

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FLOOK (Sponsor) AND SCHARNHORST (Co-sponsor).

0706L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 160, 304, and 488, RSMo, by adding thereto three new sections relating to school bus safety belts.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 160, 304, and 488, RSMo, are amended by adding thereto three new sections, to be known as sections 160.1060, 304.052, and 488.030, to read as follows:

160.1060. 1. Each school district of this state with insufficient funds to equip every school bus with seat belts as required under section 304.052, RSMo, may apply to the department of elementary and secondary education for allocation of moneys from the school bus seat belt fund. The department of elementary and secondary education shall decide how such funds will be allocated, provided that school districts with lower quotients resulting from the division of the assessed valuation of each school district by the weighted average daily attendance of the most recently completed school year for which data is available in such school district shall be allocated more moneys from the fund than school districts with higher quotients.

2. There is hereby created a "School Bus Safety Assistance Fund", which shall consist of moneys collected pursuant to section 488.030, RSMo. The department of elementary and secondary education shall be the custodian of the fund. Money in the fund shall be used solely for assisting school districts in equipping new school buses in this state with lap-shoulder passenger seat belts. Notwithstanding the provision of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

304.052. 1. As used in this section, "school bus" means a commercial motor vehicle, either publicly or privately owned, used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events for educational purposes. The term "school bus" shall not include any:

(1) Bus operated by a public utility, municipal corporation, or common carrier authorized to conduct local or interstate transportation of passengers when such bus is not traveling a specific school bus route but is:

(a) On a regularly scheduled route for the transportation of fare-paying passengers; or

(b) Furnishing charter service for the transportation of persons enrolled as students on field trips or other special trips or in connection with other special events;

(2) Passenger cars, multipurpose passenger vehicles, and trucks as defined in 49 CFR part 571, as amended.

2. Each seat on each school bus that is purchased new on or after January 1, 2010, or that is purchased with a manufacture date after January 1, 2010, shall be equipped with lap-shoulder safety belts on each passenger seat or with any other restraint system approved by the federal government, sufficient to allow each student who is being transported to use a separate safety belt or restraint system. These safety belts shall meet the standards required for lap and shoulder belt protection systems under 49 CFR 571.208, as amended.

3. Each passenger on a school bus that is equipped with safety belts or restraint system shall be transported only in designated seating positions and shall wear a properly adjusted and fastened safety belt at all times while the bus is in operation. The state, the county, a school district, school bus operator under contract with a school district, or an agent or employee of a school district or operator, including a teacher or volunteer serving as a chaperone, is not liable in an action for personal injury by a school bus passenger or other party solely because the injured party was not wearing a safety belt, misused the safety belt, or for an injury caused solely by another passenger's use or nonuse of a safety belt or restraint system in a dangerous or unsafe manner.

4. In implementing the provisions of this section, each school district shall prioritize the allocation of buses equipped with safety belts or restraint systems to ensure that elementary schools within the district receive first priority. A school district may enter into agreements to provide transportation under this section only if the point of origin or termination of the trip is within the district's boundaries.

488.030. A surcharge of fifteen dollars for each motor vehicle moving violation, as defined in section 302.010, RSMo, shall be assessed and collected. The surcharge collected

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3 under this section shall be credited to the school bus seat belt fund established in section
4 160.1060, RSMo.

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