

HOUSE No. 2288

By Mr. Cabral of New Bedford, petition of Antonio F. D. Cabral and Robert M. Koczera relative to requiring the installation of seat belts and establishing safety equipment standards for school buses in the Commonwealth. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT ESTABLISHING SAFETY STANDARDS FOR SCHOOL BUSES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 7B of the General Laws, as appearing in the
2 2004 Official Edition, is hereby amended by inserting, after the
3 word, “operation” on line 71, the following: All Type I and Type II
4 school buses that are fully operational and in service on or after Jan-
5 uary first Two Thousand and Six shall be equipped with white,
6 flashing strobe lights. All Type I and Type II school buses that are
7 fully operational and in service prior to January first Two Thousand
8 Six shall be equipped with white, flashing strobe lights on or prior to
9 January first Two Thousand and Six.

1 SECTION 2. Section 7B of chapter 90 is hereby further amended
2 by adding after the word “seated” in line 143, the following:—
3 “and, no later than twelve months from the effective date of this
4 act, a three-point lap and shoulder restraint system with retracting
5 belts which is properly adjusted and fastened according to the manu-
6 facturer’s instructions shall be worn by every child riding as a pas-
7 senger in said bus, and prior to said date if such bus is equipped with
8 a safety restraint system, no child shall ride as a passenger in such
9 bus unless such child is wearing such restraint system which is prop-
10 erly adjusted and fastened according to the manufacturer’s instruc-
11 tions.”

1 SECTION 3. Said section 7B of chapter 90 is hereby further
2 amended by adding after the word “year” in line 254, the
3 following:—

4 ; (18) Every school bus may, prior to twelve months from the
5 effective date of the act, and shall, after twelve months from the
6 effective date of the act, be equipped with a three point lap and
7 shoulder restraint system with retracting belts for each permanent
8 seating accommodation approved by the National Highway Trans-
9 portation Safety Administration and installed in compliance with the
10 United States motor vehicle D.O.T. safety standards, which shall be
11 fastened about each passenger at all times during vehicle operation.

1 SECTION 4. Section 7I of chapter 90 is hereby amended by
2 adding after the word “seated” in line 5, the following:—

3 and, after twelve months from the effective date of the act, a three
4 point shoulder and lap safety restraint system with retracting belts
5 which is properly adjusted and fastened according to the manufac-
6 turer’s instructions shall be worn by every child riding as a pas-
7 senger in said bus, and prior to said date if such bus is equipped with
8 a safety restraint system, no child shall ride as a passenger in such
9 bus unless such child is wearing a three point lap belt and shoulder
10 restraint system which is properly adjusted and fastened according to
11 the manufacturer's instructions.

1 SECTION 5. Section 7AA of chapter 90 is hereby amended by
2 adding in line 33 after the word “bus” the words:— “, prior to
3 twelve months from the effective date of the act.”

1 SECTION 6. Section 4 of Chapter 175E of the General Laws is
2 hereby amended by adding at the end thereof the following
3 section:—

4 (f) for motor vehicle insurance rates for school buses, the com-
5 missioner shall develop and promulgate a schedule of appropriate
6 reductions in premium charges to account for the decreased risk of
7 injury associated with the installation of a three-point lap and
8 shoulder restraint system approved by the National Highway trans-
9 portation Safety Administration in any such bus so equipped. Said
10 schedule shall be implemented no later than twelve months from
11 effective date of this act and shall contemplate reductions sufficient

12 to equal any costs associated with the installation of such a restraint
13 system over a seven year period.

1 SECTION 7. Chapter 90 of the General Laws is hereby amended
2 by adding the following section: Section 7DD. No claim for dam-
3 ages shall arise from the failure of a school bus operator to ensure
4 that a passenger of a school bus was wearing the restraint system
5 prescribed by sections 7B, 7I, and 7AA of chapter 90 of the General
6 Laws, provided that instruction in the use of such system and prac-
7 tice in its use is provided to all existing and prospective passengers
8 not less than every six months.

1 SECTION 8. This act shall take effect upon its passage.