

HOUSE No. 2203

The Commonwealth of Massachusetts

PRESENTED BY:
Antonio F.D. Cabral

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:
An Act establishing safety standards for school buses.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Antonio F.D. Cabral	13th Bristol
Robert M. Koczera	11th Bristol
Steven J. D'Amico	4th Bristol
Timothy J. Toomey, Jr.	26th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2288 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
—————

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:

Section 7B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting, after the word, “operation” on line 71, the following: All Type I and Type II school buses that are fully operational and in service on or after January first Two Thousand and Six shall be equipped with white, flashing strobe lights. All Type I and Type II school buses that are fully operational and in service prior to January first Two Thousand Six shall be equipped with white, flashing strobe lights on or prior to January first Two Thousand and Eight.

SECTION 2. Section 7B of chapter 90 is hereby further amended by adding after the word “seated” in line 143, the following:—

“and, no later than twelve months from the effective date of this act, a three-point lap and shoulder restraint system with retracting belts which is properly adjusted and fastened according to the manufacturer’s instructions shall be worn by every child riding as a passenger in said bus, and prior to said date if such bus is equipped with a safety restraint system, no child shall ride as a passenger in such bus unless such child is wearing such restraint system which is properly adjusted and fastened according to the manufacturer’s instructions.”

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

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

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

and, after twelve months from the effective date of the act, a three point shoulder and lap safety restraint system with retracting belts which is properly adjusted and fastened according to the manufacturer’s instructions shall be worn by every child riding as a passenger in said bus, and prior to said date if such bus is equipped with a safety restraint system, no child shall ride as a passenger in such bus unless such child is wearing a three point lap belt and shoulder restraint system which is properly adjusted and fastened according to the manufacturer’s instructions.

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

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

(f) for motor vehicle insurance rates for school buses, the commissioner shall develop and promulgate a schedule of appropriate reductions in premium charges to account for the decreased

risk of injury associated with the installation of a three-point lap and shoulder restraint system approved by the National Highway transportation Safety Administration in any such bus so equipped. Said schedule shall be implemented no later than twelve months from effective date of this act and shall contemplate reductions sufficient to equal any costs associated with the installation of such a restraint system over a seven year period.

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

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