

HOUSE BILL REPORT

HB 1246

As Reported by House Committee On:
Education

Title: An act relating to school bus safety.

Brief Description: Concerning school bus safety.

Sponsors: Representatives McCabe, Orwall, Johnson, Kirby, McBride, Dye, Kilduff, Gregerson, Wylie, Haler, Appleton, Senn and Muri.

Brief History:

Committee Activity:

Education: 1/30/17, 1/22/18, 1/30/18 [DPS].

Brief Summary of Substitute Bill

- Requires that every school bus manufactured or assembled after September 1, 2019, be equipped with a shoulder harness-type safety belt assembly for each passenger position.
- Directs school districts to require passengers in school buses equipped with seat belts to wear the belts whenever the bus is in motion, and grants related criminal and civil immunity for specified persons and entities.
- Requires that, beginning September 1, 2019, every school bus be equipped with an automated school bus safety camera for detecting vehicle infractions involving the overtaking or unlawful meeting of a school bus that has stopped on the roadway to load or unload school children.
- Establishes provisions for the use of revenues collected through infractions detected with an automated school bus safety camera, including using revenues for enforcing the infractions, funding school bus safety belt systems, and funding school bus replacement incentives.
- Establishes new provisions for the school bus replacement incentive program of the Office of the Superintendent of Public Instruction (OSPI), including requiring the OSPI to fund up to 10 percent of the cost of a new school bus if the new bus is replacing a 1994 or older school bus, or the oldest bus in the school district's fleet.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Muri, Assistant Ranking Minority Member; Bergquist, Johnson, Lovick, Ortiz-Self, Senn, Slatter, Stokesbary and Valdez.

Minority Report: Do not pass. Signed by 4 members: Representatives Caldier, Hargrove, McCaslin and Steele.

Minority Report: Without recommendation. Signed by 1 member: Representative Harris, Ranking Minority Member.

Staff: Ethan Moreno (786-7386).

Background:

School Buses: General and Regulatory Information.

School buses are used to transport students to and from school or in connection with designated school activities. School district boards of directors are responsible for the operation of student transportation programs. School districts may use school buses and drivers hired by the district or commercial chartered bus services for the transportation of school children and employees necessary for their supervision.

School buses have four general size-oriented classifications (Types A through D), with passenger capacity increasing in each sequential classification. Type D buses can have a capacity of 90 passengers.

The National Highway Traffic Safety Administration (NHTSA) establishes federal safety requirements for school buses, including requirements for structural integrity, periodic inspections, and school bus seating and restraining barriers. In addition to the federal requirements, states may also adopt requirements for school buses and their safe operation. Federal Motor Vehicle Safety Standard Number 222, as adopted by the NHTSA, requires that small school buses, school buses with a gross vehicle weight rating (GVWR) of 10,000 pounds or less, have Type 2 seat belt assemblies with pelvic and upper torso restraints (also known as "lap/shoulder belts") at each seating position.

Federal requirements do not mandate passenger seat belts for large school buses with a GVWR greater than 10,000 pounds, but states may require that large school buses have seat belts. If a state requires seat belts on large school buses, the seat belts must comply with federal performance standards. Washington does not require passenger seat belts for school buses with a GVWR greater than 10,000 pounds.

Agency rules adopted by the Superintendent of Public Instruction (SPI) require school bus drivers to wear a properly adjusted seat belt whenever the school bus is in motion. Agency rules of the SPI also require passengers in school buses equipped with seat belts to wear them in a properly adjusted manner whenever the school bus is in motion.

School Buses: Purchase and Replacement.

School districts are responsible for selecting, paying for, and maintaining student transportation vehicles purchased by the district. Regarding school bus purchases, the SPI is responsible for developing categories and competitive specifications for school bus acquisitions as well as a corresponding list of school bus dealers with the lowest purchase price quotes. School districts and educational service districts that purchase buses through this competitive quote process or through a separate lowest-price competitive bid process are eligible for certain state funds that are based on the category of vehicle, the anticipated lifetime of vehicles of this category, and a state reimbursement rate. The accumulated value of the state payments received by the district and the potential investment return is designed to be equal to the replacement cost of the vehicle, less its salvage value, at the end of its anticipated lifetime.

Legislation adopted in 2007 directed the Office of the Superintendent of Public Instruction (OSPI) to implement a school bus replacement incentive program for qualifying new buses purchased by a school district on or before June 30, 2009. Districts participating in the program were required to document that buses being replaced through the program were scrapped and not purchased for future road use.

Automated School Bus Safety Cameras.

School districts, if approved by the applicable school board, may install and operate automated school bus safety cameras on school buses. The installation and operation must be for the purpose of detecting vehicle infractions involving the overtaking or unlawful meeting of a school bus that has stopped on the roadway to load or unload school children.

An "automated school bus safety camera" is defined in statute as a device affixed to a school bus that is synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a vehicle at the time the vehicle is detected for an infraction. Automated school bus safety cameras may only take pictures of the vehicle and vehicle license plate, and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

If an infraction is detected through the use of an automated school bus safety camera, a notice of the infraction must be mailed to the registered owner of the vehicle within 14 days of the violation, or to the renter of a vehicle within 14 days of establishing the renter's name and address. Absent evidence to the contrary or other factors, the registered owner or renter of the vehicle is responsible for the infraction and the associated monetary penalty. A person responsible for an infraction detected through the use of an automated school bus safety camera may be assessed a monetary penalty of \$419.

If a school district installs and operates an automated school bus safety camera, the compensation paid to the manufacturer or vendor of the equipment must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of any fines or civil penalties imposed or the revenue generated by the equipment. Before entering into a contract with a vendor for an automated school bus safety camera, the district must use a competitive bid process.

Any revenue collected from infractions detected through the use of automated school bus safety cameras, less the administration and operating costs of the cameras, must be remitted to school districts for school zone safety projects as determined by the school district. The administration and operating costs of the cameras includes infraction enforcement and processing costs that are incurred by local law enforcement or local courts.

Summary of Substitute Bill:

State provisions governing seat belt and shoulder harness requirements for motor vehicles are amended to require that every school bus manufactured or assembled after September 1, 2019, be equipped with a shoulder harness-type safety belt assembly for each passenger position. In accordance with this requirement, the OSPI must include specifications for the seat belt assembly in its competitive quote process for school bus acquisitions.

School districts must require passengers in school buses equipped with seat belts to wear the belts in a properly adjusted manner whenever the bus is in motion. Criminal and civil immunity related to this requirement is granted to specified persons and entities, including school districts, school district employees, and commercial charter bus services hired by a district to provide for the transportation of students.

Beginning September 1, 2019, every school bus, in addition to any other equipment required by law, must be equipped with an automated school bus safety camera.

By September 1, 2019, school districts must install and operate automated school bus safety cameras for detecting vehicle infractions involving the overtaking or unlawful meeting of a school bus that has stopped on the roadway to load or unload school children. School districts are not required to take school buses out of service if the automated school bus safety cameras are nonfunctional, but each school district must ensure that the nonfunctional camera is returned to functioning condition as soon as practicable.

Provisions governing the use of revenues received by a school district for infractions detected through the use of automated school bus safety cameras are modified. Any school district that is under a safety camera system contract before June 7, 2018, must continue to receive funds from the use of the safety camera systems and may either use the revenues for school zone safety projects or transfer the district's portion of the revenues to an existing transportation vehicle fund of the district.

School districts that install automated school bus safety cameras on or after June 7, 2018, must distribute revenue collected from infractions detected through the use of automated school bus safety cameras, less the administration and operating costs of the cameras, as follows:

- one-third to a newly created school bus safety account;
- one-third to the law enforcement agency issuing the infraction; and
- one-third to the court processing the infraction.

The School Bus Safety Account (Account) is created in the state treasury. Between June 7, 2018, and July 31, 2023, the first \$10 million in expenditures from the Account for each year must be transferred to the General Fund to pay for the cost of school bus safety belt systems. Any remaining expenditures must be used for the school bus replacement incentives. Beginning August 1, 2023, expenditures from the Account may only be used for a school bus incentive program of the OSPI. Interest earnings from the Account remain in the account.

Provisions governing the School Bus Replacement Incentive Program of the OSPI are modified. The OSPI is directed through the program to fund up to 10 percent of the cost of a new school bus, provided that the new bus is replacing either a 1994 or older school bus, or the oldest bus in the school district's fleet. The replacement of the oldest buses must be given highest priority, and replacement incentive funds received by a school district must be deposited into the district's existing transportation vehicle fund.

Substitute Bill Compared to Original Bill:

The substitute bill makes the following changes to the original bill:

- directs school districts to require passengers in school buses equipped with seat belts to wear the belts in a properly adjusted manner whenever the school bus is in motion;
- grants criminal and civil immunity for school districts, school district employees, school district volunteers, educational service districts, educational service district employees, and commercial chartered bus services hired by a district to provide for the transportation of students, including employees of these providers, arising under the seat belt provisions obligating districts to require school bus passengers to wear seat belts; and
- advances implementation dates in the underlying bill, including the effective date, by one year.

Appropriation: None.

Fiscal Note: Requested on January 31, 2018.

Effective Date of Substitute Bill: The bill takes effect on August 1, 2018.

Staff Summary of Public Testimony:

(In support) This bill is about child safety. The first time that a child rides in a vehicle without a shoulder harness or belt is usually in a school bus. The NHTSA supports the use of seat belts in school buses. This bill includes a mechanism for paying for the requirements. The funding concept of the bill is from a former transportation director at the OSPI.

This bill addresses two main issues in student transportation: (1) the number of drivers that violate stop paddles on buses; and (2) the need for seat belts on school buses.

This bill will be instrumental in helping with safety issues. The issue of seat belts on buses is becoming a national issue, but stop-arm cameras on buses need more attention. The amendment clarifies liability concerns, and stakeholders would be happy to continue refining the language of the bill.

People tell their kids to buckle up—school buses should not be any different. The funding source provisions are appreciated, as is the hold harmless language.

The logistics, resources, and communications related to a full implementation of the bill will be very important.

Traffic has worsened, and some people would never think of putting a child on Interstate 5 without safety restraints. School bus accidents happen, and it is unconscionable for people to put anything in the way, such as funding, of requiring seat belts.

(Opposed) None.

Persons Testifying: Representative McCabe, prime sponsor; Allan Jones; Glenn Gorton, Office of the Superintendent of Public Instruction; Ken Kanikeberg; Majken Ryherd, Teamsters; and Janice Farris.

Persons Signed In To Testify But Not Testifying: None.