

HOUSE BILL REPORT

HB 1118

As Reported by House Committee On:
Education

Title: An act relating to school bus safety.

Brief Description: Addressing school bus safety.

Sponsors: Representatives Mosbrucker, Orwall, Jacobsen and Wylie.

Brief History:

Committee Activity:

Education: 1/17/23, 2/9/23 [DPS].

Brief Summary of Substitute Bill

- Modifies provisions for the use of revenues collected through infractions detected with automated school bus safety cameras, including requiring revenues resulting from newly installed cameras to be used for infraction enforcement costs, school bus safety systems, and school bus replacement incentives.
- Modifies provisions for the school bus replacement incentive program of the Office of Superintendent of Public Instruction.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Eslick, McClintock, Ortiz-Self, Pollet, Sandlin, Steele and Timmons.

Minority Report: Without recommendation. Signed by 4 members: Representatives Bergquist, Callan, Harris and Stonier.

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

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: Purchase and Replacement.

School districts are responsible for selecting, paying for, and maintaining student transportation vehicles purchased by the district. The Superintendent of Public Instruction, however, 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.

Legislation adopted in 2007 directed the Office of 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.

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 \$422.

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:

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 July 23, 2023, must continue to receive funds from the use of the installed safety camera systems and may 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 July 23, 2023, 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 July 23, 2023, and July 31, 2028, 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 systems. Any remaining expenditures must be used for the school bus replacement incentives. Beginning August 1, 2028, 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.

Substitute Bill Compared to Original Bill:

The substitute bill changes the original bill by:

- removing provisions mandating that every school bus manufactured or assembled after September 1, 2024, be equipped with a shoulder harness-type safety belt assembly for each passenger position;
- removing provisions directing school districts to require passengers in school buses equipped with seat belts to wear the belts whenever the bus is in motion, and related immunity provisions;
- removing provisions requiring that, beginning September 1, 2024, 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 is loading or unloading school children;
- specifying, for the proposed School Bus Safety Account (Account), that between July 23, 2023, and July 31, 2028, 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 systems, instead of school bus safety belt systems;
- removing a provision requiring replacement incentive funds received by a school district to be deposited into the district's existing transportation vehicle fund; and
- making most provisions of the bill effective 90 days after adjournment of the session in which bill is passed, instead of August 1, 2024.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date of Substitute Bill: The bill contains multiple effective dates. Please see the bill.

Staff Summary of Public Testimony:

(In support) This bill is about safety. The bill was passed previously by the Education Committee and is the request of a constituent. Some disabled students are already required to wear seatbelts, but this requirement should be extended all students. Eight states have passed seatbelt laws for school bus passengers and legislation is pending in 32 others.

There are technical concerns about the bill and the implementation date for the camera installation requirements. It might be appropriate to extend the implementation date because of microchip shortages. The legislation is silent about installation costs, but there are concerns about an unfunded mandate resulting from the bill. The state can procure

seatbelts during the school bus purchasing process.

(Opposed) None.

(Other) There are concerns about the seatbelt requirement in the bill. Compartmentalization requirements for school buses are for safety purposes. Seatbelts can be used as weapons and seatbelt usage will slow emergency evacuations. There are also concerns about timing and school bus retrofitting that could void warranties.

Transportation departments work hard to keep students safe. This bill includes an unfunded mandate that requires personnel and resources. Taking on an unfunded mandate, even a small one, would be challenging for school districts.

Student safety should be supported. Bus delivery is lengthy, but the timing of the bill is short. The costs of installing cameras will be significant. Seatbelt management is an issue; keeping seatbelts properly buckled is challenging, and buckling and unbuckling takes time. Permissive bill language would be good, but if a mandate is created, the legislation should allow sufficient time for compliance.

Persons Testifying: (In support) Representative Gina Mosbrucker, prime sponsor; and Tyler Muench, Office of Superintendent of Public Instruction.

(Other) Kyle Rydell, West Valley School District; Sara Betnel, Washington State School Directors' Association; and Carolyn Logue, Washington State Student Transportation Coalition.

Persons Signed In To Testify But Not Testifying: None.