



## 2003 ASSEMBLY BILL 590

October 15, 2003 - Introduced by Representatives MORRIS, YOUNG, TAYLOR, A. WILLIAMS, HINES and COGGS, cosponsored by Senators MOORE and RISSER. Referred to Committee on Transportation.

1     **AN ACT** *to create* 121.52 (1) (c), 347.48 (2m) (f) 8. and 347.482 of the statutes;  
2             **relating to:** requiring certain school buses to be equipped with safety belts and  
3             permitting school boards to require the use of safety belts and child safety  
4             restraint systems on certain school buses.

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### ***Analysis by the Legislative Reference Bureau***

Under federal law, no state or political subdivision of a state may establish a safety standard for motor vehicles or motor vehicle equipment that is not identical to the federal standard that applies to the same aspect of performance. A state or political subdivision may, however, establish a higher safety standard for motor vehicles or motor vehicle equipment procured for its own use. Currently, federal safety standards do not require a school bus that has a gross vehicle weight rating of more than 10,000 pounds to be equipped with passenger safety belts ("seat belts").

This bill requires any school bus with a gross vehicle weight rating of more than 10,000 pounds that is manufactured on or after January 1, 2004, or on the first day of the first month beginning after publication of the act, whichever is later, and that is being used in this state to be equipped with seat belts at each designated seating position. In addition, the bill permits a school board to adopt a rule requiring the use of seat belts or child safety restraint systems by pupils or children being transported by a school bus. This requirement applies only to those school buses that are required to be equipped with seat belts by the provision created by this bill.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 121.52 (1) (c) of the statutes is created to read:

2           121.52 (1) (c) 1. a. In this subdivision, “properly restrained” means fastened in  
3 a manner prescribed by the manufacturer of the system that permits the safety belt  
4 or child safety restraint system to act as a body restraint.

5           b. Notwithstanding par. (b), the school board may adopt additional rules  
6 requiring each pupil or child being transported in a school bus that is required to be  
7 equipped with safety belts under s. 347.482 to be properly restrained in a safety belt  
8 approved by the department of transportation under s. 347.482 or in a child safety  
9 restraint system meeting the standards established by the department of  
10 transportation for child safety restraint systems under s. 347.48 (4) (a) 1.

11           2. Evidence of compliance or failure to comply with rules adopted under subd.  
12 1. b. is admissible in any civil action for personal injuries or property damage  
13 resulting from the use or operation of a motor vehicle. Notwithstanding s. 895.045,  
14 with respect to injuries or damages determined to have been caused by a failure to  
15 comply with rules adopted under subd. 1. b., civil liability may not be imposed upon  
16 the school board or the owner or operator or a lessee of a school bus.

17           **SECTION 2.** 347.48 (2m) (f) 8. of the statutes is created to read:

18           347.48 (2m) (f) 8. This subsection does not apply to the designated seating  
19 positions of a school bus required to be equipped with safety belts under s. 347.482.

20           **SECTION 3.** 347.482 of the statutes is created to read:

