

1999 ASSEMBLY BILL 867

March 8, 2000 - Introduced by Representatives MORRIS-TATUM and COGGS.
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.

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, 2001, and 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.

ASSEMBLY BILL 867

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

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

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

ASSEMBLY BILL 867

1 **347.482 Safety belts and child safety restraint systems; school buses.**

2 Every school bus, as defined in s. 340.01 (56) (a), with a gross vehicle weight rating
3 of more than 10,000 pounds that is manufactured on or after January 1, 2001, and
4 is being used in this state shall be equipped with safety belts in each designated
5 seating position of the school bus. All such safety belts shall be of a type and shall
6 be installed in a manner approved by the department. The department shall
7 establish specifications and requirements for approved types of safety belts and
8 attachments. The department will accept, as approved, all seat belt installations and
9 the belt and anchor meeting the society of automotive engineers' specifications.

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(END)