

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3814/P1dn  
TNF:wlj:kjf

December 1, 1999

ATTN: George Salter

1. This bill requires the installation of safety belts ("seat belts") in school buses that currently are not required by federal motor vehicle safety standards to be equipped with seat belts. Requiring the installation of seat belts in school buses may be preempted by federal law under 15 USC 1392 (d):

Whenever a Federal motor vehicle safety standard established under this title is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any motor vehicle or item of motor vehicle equipment any safety standard applicable to the same aspect of performance of such vehicle or item of equipment which is not identical to the federal standard. Nothing in this section shall be construed as preventing any State from enforcing any safety standard which is identical to a Federal safety standard. Nothing in this section shall be construed to prevent the Federal Government or the government of any State or political subdivision thereof from establishing a safety requirement applicable to motor vehicles or motor vehicle equipment procured for its own use if such requirement imposes a higher standard of performance than that required to comply with the otherwise applicable Federal standard.

The federal standard, 49 CFR 571.222, does not require a school bus having a gross vehicle weight rating of more than 10,000 pounds to be equipped with passenger seat belts. Requiring installation of passenger seat belts in school buses would be permitted under federal law if the required seat belts offer a higher standard of safety than the federal standards already provide for the vehicle.

New York and New Jersey currently require installation or use of seat belts in school buses. New York has required that all new school buses purchased after June 30, 1987, be equipped with seat belts. However, New York has left to the individual school districts the issue of whether to require their use. New Jersey, on the other hand, has required the installation and use of seat belts on all new school buses since 1993. I am not aware of any preemption challenge to either of these state laws.

2. This bill only requires that certain school buses be equipped with seat belts. This requirement does not address child safety restraint systems. The bill does require,

however, that each pupil or child being transported by such school buses be properly restrained by either a safety belt or child safety restraint system.

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