

Date of Hearing: June 26, 2017

ASSEMBLY COMMITTEE ON TRANSPORTATION
Jim Frazier, Chair
SB 20 (Hill) – As Amended April 6, 2017

SENATE VOTE: 40-0

SUBJECT: Vehicles: buses: seatbelts

SUMMARY: Requires a passenger or driver of a bus to be properly restrained by a safety belt, if the bus is equipped with one. Specifically, **this bill:**

- 1) Requires a passenger on a bus that is equipped with safety belts, including a bus that is required to be equipped with a seatbelt pursuant to Federal Motor Vehicle Safety Standards (FMVSS) but excluding a schoolbus, be properly restrained by a safety belt, unless the passenger is leaving, has left, or is returning to his or her seat to use an onboard bathroom.
- 2) Requires a motor carrier to maintain the safety belts on a bus in good working order for the use of passengers of the vehicle, if the bus is equipped with safety belts.
- 3) Requires a motor carrier operating a bus equipped with safety belts to either:
 - a) Require the bus driver to inform passengers of the requirement to wear the seatbelt under California law and inform passengers that not wearing a seatbelt is punishable by a fine before departure of a bus carrying passengers; or,
 - b) Post, or allow to be posted, signs or placards that inform passengers of the requirement to wear a seatbelt under California law and that not wearing a seatbelt is punishable by a fine, as specified.
- 4) Prohibits the driver of a bus from operating the vehicle unless he or she is properly restrained by a safety belt, if the bus is equipped with one, and requires the motor carrier to maintain the safety belt in good working order.
- 5) Provides that failing to comply with the requirements to be properly restrained by a safety belt is an infraction punishable by a fine of \$20 for a first offense and \$50 for each subsequent offense, as specified.
- 6) Provides that no violation point is assessed on a person's driving record for a violation of the requirements imposed by this bill.

EXISTING LAW:

- 1) Prohibits a person from operating a passenger vehicle, motortruck, or truck tractor on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt, and prohibits a person 16 years of age or over from being a passenger in such a vehicle on a highway unless that person is properly restrained by a safety belt, as specified.

- 2) Requires the owner of a passenger vehicle, motortruck, or truck tractor operated on a highway to maintain safety belts in good working order, as specified, unless the vehicle was not required to be equipped with safety belts by federal law at the time of the vehicle's initial sale.
- 3) Provides that a violation of the requirements listed above is an infraction punishable by a fine of \$20 for the first offense and \$50 for each subsequent offence, as specified.
- 4) Requires every schoolbus purchased or leased for use in California to be equipped with a combination pelvic and upper torso passenger restraint system at all designated seating positions, as specified, unless specifically prohibited by the National Highway Transportation Safety Administration (NHTSA).
- 5) Requires every school pupil activity bus designed for carrying not more than 16 passengers and a driver or with a gross vehicle weight rating (GVWR) of 10,000 pounds or less and designed for carrying not more than 20 passengers and a driver, manufactured on or after July 1, 2004, to be equipped with a combination pelvic and upper torso passenger restraint system at all designated seating positions, as specified, unless specifically prohibited by NHTSA.
- 6) Requires the driver of each vehicle used for charter bus transportation to provide written or video instruction to all passengers on the vehicle's safety equipment and emergency exits including, but not limited to, the importance of wearing a seatbelt, if available, prior to any trip.
- 7) Provides that no violation point is assessed on a person's driving record for failing to wear a safety belt.
- 8) Establishes, in federal regulations, an FMVSS requiring every bus manufactured after November 28, 2016, except transit buses and school buses, to be equipped with specified seat belt assemblies for drivers and passengers.

FISCAL EFFECT: According to the Senate Appropriations Committee:

- 1) One-time Department of Motor Vehicles costs, likely in the range of \$50,000, for programming related to the new traffic infractions that are explicitly not subject to a violation point. (Motor Vehicle Account)
- 2) Minor and absorbable CHP costs to revise standards pertaining to the implementation of safety requirements for charter-party carriers that are currently in development. Updating training and education materials would occur as part of annual updates. (Motor Vehicle Account)
- 3) No state-reimbursable mandate costs. While the bill imposes a state-mandated local program by creating a new crime, existing law specifies that any local costs incurred as a result of a new infraction are not reimbursable.

COMMENTS: In 2013, NHTSA issued a rule requiring lap and shoulder seatbelts for each passenger and driver seat on new buses with a GVWR greater than 26,000 manufactured after November 2016, except transit buses and school buses. According to NHTSA, approximately 21

motorcoach and large bus occupants are killed and 7,934 are injured annually in motor vehicle crashes, and the new requirement could reduce fatalities by up to 44% and reduce the number of moderate to severe injuries by up to 45%. NHTSA found that ejection accounts for 78% of fatalities in heavy bus rollover crashes and 28% of fatalities in non-rollover crashes, and that lap/shoulder belts could reduce the risk of fatal injuries in rollover crashes by 77%.

In 2015, in response to its investigation of a bus crash that killed four passengers, the National Transportation Safety Board (NTSB) issued a recommendation that every state “enact legislation that provides for primary enforcement of a mandatory seat belt use law for all vehicle seating positions equipped with a passenger restraint system,” including on all vehicles and all buses. California has mandated the use of seatbelts in passenger vehicles since 1986 and has the highest compliance rate in the nation, at 97.3% in 2015. While the NHTSA rule requires new buses to be equipped with seatbelts, no state requirement exists mandating their use. This bill would require every passenger and driver of a bus that is equipped with seatbelts to use those seatbelts while on the bus. As the FMVSS requiring buses be equipped with seatbelts does not apply to schoolbuses and transit buses, this bill would also not apply to those vehicles.

The author cites a January 2016 bus crash in San Jose in which two of the 20 passengers on the bus were ejected and killed and another 12 were injured as evidence of the need to codify the NTSB’s recommendation. In that crash, the bus was equipped with seatbelts, but the passengers were not required to use them. The only two passengers wearing seatbelts were not injured. The author argues that this bill will close a loophole in federal and state safety standards.

By requiring a bus driver to use a seatbelt, this bill will also conform to federal regulations requiring the driver of a commercial vehicle to use a seatbelt. Passengers and drivers would be responsible for using their own seatbelts, while motor carriers would be responsible for ensuring the seatbelts on the bus are in good working order. The fee imposed for a violation of this bill is identical to the fee imposed for a violation of the existing mandatory seatbelt law.

While it is relatively easy for law enforcement to determine if a driver or passenger in a regular motor vehicle is wearing a seatbelt, the elevation of a bus above surrounding traffic may make it difficult for an officer to determine if a passenger in a bus is wearing one. However, even if compliance is below 100%, the requirement to either verbally inform passengers or post placards notifying passengers or the requirement to wear a seatbelt will likely result in an additional safety benefit and potentially fewer injuries and fatalities in bus accidents.

Proposed author’s amendments: The author proposes to correct an erroneous cross reference in Section 12810.2 and add a co-author.

Related legislation: AB 692 (Chu) would require school districts to provide information to the California Department of Education and the California Highway Patrol to formulate a plan to have all schoolbuses equipped with passenger restraint systems by January 1, 2023. AB 692 is set to be heard by the Senate Education Committee on June 27, 2017.

Previous legislation: SB 247 (Lara), Chapter 705, Statutes of 2016, required a charter-party carrier of passengers engaged in charter bus transportation to ensure each vehicle operated for that purpose is equipped with specified safety features.

REGISTERED SUPPORT / OPPOSITION:

Support

California Police Chiefs Association

Opposition

None on file

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