**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3397**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Clary

Document Path: l:\council\bills\agm\19437wab19.docx

Introduced in the House on January 8, 2019

Currently residing in the House Committee on **Education and Public Works**

Summary: School buses

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/18/2018 House Prefiled

12/18/2018 House Referred to Committee on **Education and Public Works**

1/8/2019 House Introduced and read first time ([House Journal‑page 221](file:///h:\hj\20190108.docx))

1/8/2019 House Referred to Committee on **Education and Public Works** ([House Journal‑page 221](file:///h:\hj\20190108.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3397&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/18/2018](file:///p:\pprever\2019-20\3397_20181218.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑67‑75 SO AS TO PROVIDE SCHOOL BUSES MUST BE EQUIPPED WITH THREE‑POINT LAP AND SHOULDER SEAT BELTS IN NUMBERS SUFFICIENT TO ALLOW ALL STUDENT PASSENGERS TO USE SUCH BELTS, TO PROVIDE THIS REQUIREMENT IS IN ADDITION TO CERTAIN OTHER EXISTING SAFETY STANDARDS, TO PROVIDE ALL STUDENT PASSENGERS TRANSPORTED ON BUSES EQUIPPED WITH THREE‑POINT LAP AND SHOULDER SEAT BELTS SHALL WEAR SUCH SEAT BELTS, TO PROVIDE SCHOOL DISTRICTS MAY IMPLEMENT RELATED ENFORCEMENT POLICIES, TO PROVIDE NO CLAIMS FOR DAMAGES MAY ARISE FROM SCHOOL BUS DRIVER FAILURES TO ENSURE SCHOOL BUS PASSENGERS WEAR SEAT BELTS, TO PROVIDE EXEMPTIONS FOR CERTAIN DISABLED PASSENGERS AND DURING EMERGENCIES, AND TO PROVIDE RELATED DEFINITIONS; TO AMEND SECTION 59‑67‑40, RELATING TO THE APPLICABILITY OF CERTAIN REQUIREMENTS OF PUBLIC SCHOOL BUSES TO PRIVATE SCHOOL BUSES, SO AS TO INCLUDE THREE‑POINT LAP AND SHOULDER SEAT REQUIREMENTS; AND TO MAKE THESE PROVISIONS APPLICABLE ONLY TO BUSES MANUFACTURED ON OR AFTER THE ONE HUNDRED EIGHTIETH DAY FOLLOWING THE EFFECTIVE DATE OF THIS ACT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 67, Title 59 of the 1976 Code is amended by adding:

“Section 59‑67‑75. (A) A school bus used in this State must be equipped with three‑point lap and shoulder seat belts in numbers sufficient to allow each student who is being transported in the school bus to use a three‑point lap and shoulder seat belt. This requirement is in addition to the school bus safety standards of Section 56‑5‑195.

(B) A student being transported in a school bus that is required to be equipped with three‑point lap and shoulder seat belts pursuant to subsection (A) shall use a passenger restraint system at all times while the school bus is in motion. A school district may implement a disciplinary policy to enforce the provisions of this item. No claim for damages may arise from the failure of a school bus driver to ensure that a passenger of a school bus wears a seat belt.

(C) This section does not apply:

(1) to a passenger with a physically disabling condition or medical condition that prevents appropriate restraint in a passenger restraint system, if the condition is certified, in writing, by a licensed physician or licensed chiropractor who states the nature of the condition and the reason the passenger restraint system is inappropriate;

(2) in the case of an emergency that may necessitate the loading of school children on a school bus in excess of the limits of its seating capacity; and

(3) to school buses in service in this State on the effective date of this act.

(D) As used in this section:

(1) ‘Emergency’ means a natural disaster or hazard that requires students to be moved immediately in order to ensure their safety.

(2) ‘Three‑point lap and shoulder seat belt’ means:

(a) a type 2 lap and shoulder seat belt assembly that is in compliance with Federal Motor Vehicle Safety Standard 209 and with Federal Motor Vehicle Safety Standard 210 as those standards were in effect on July 1, 2020; or

(b) a type 2 lap and shoulder restraint system that is in compliance with Federal Motor Vehicle Safety Standard 222 as that standard was in effect on July 1, 2020.”

SECTION 2. Section 59‑67‑40 of the 1976 Code is amended to read:

“Section 59‑67‑40. (A) All school buses owned and operated by a private school or operated under contract for a private school must conform to State laws and regulations of the State Board of Education with respect to painting, lettering on the front and rear of the bus, use of stop arm and warning lights for loading and unloading pupils on the highway, maximum speeds and stopping at railroad crossings, and three‑point lap and shoulder seat belts as defined in Section 59‑67‑75(D)(2).

(B) Buses not complying with these requirements ~~shall~~ must be painted a color other than yellow and ~~shall~~ are not ~~be~~ entitled to the privileges and protection of a school bus operating on the highways of this State.”

SECTION 3. This act takes effect upon approval by the Governor and applies only to school buses manufactured on or after the one hundred eightieth day following enactment.

‑‑‑‑XX‑‑‑‑