~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 30, 2017

**H. 3945**

Introduced by Reps. Robinson‑Simpson, Clary, Brown, Mack, Gilliard and Whipper

S. Printed 3/30/17--H. [SEC 3/31/17 2:01 PM]

Read the first time March 7, 2017.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3945) to amend the Code of Laws of South Carolina, 1976, by adding Section 59‑67‑75 so as to provide that all school buses put into service after August, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

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

“Section 59‑67‑75. (A) In addition to the school bus safety standards of Section 56‑5‑195, all public school buses manufactured after July 1, 2020, must be equipped with integrated three-point harness seat belts for each passenger. This requirement does not apply to public school buses leased, owned, or otherwise furnished by the State Department of Education before July 1, 2020 and which continue in such use after that date.

(B) Seat belts required in subsection (A) must be fastened about each passenger at all times during vehicle operation for vehicles that have these seat belts. School bus drivers shall ensure that these seat belts are fastened about each passenger. No claim for damages may arise from the failure of a school bus driver to ensure that a school bus passenger wears a seat belt.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑67‑75 SO AS TO PROVIDE THAT ALL SCHOOL BUSES PUT INTO SERVICE AFTER AUGUST 1, 2020, MUST BE EQUIPPED WITH LAP SEAT BELTS FOR ALL PERMANENT SEATING ACCOMMODATIONS, TO PROVIDE THIS REQUIREMENT IS IN ADDITION TO EXISTING SCHOOL BUS SAFETY REQUIREMENTS, TO PROVIDE THESE SEAT BELTS MUST BE PROPERLY FASTENED ABOUT PASSENGERS DURING VEHICLE OPERATION, TO PROVIDE SCHOOL BUS DRIVERS SHALL ENSURE THAT THESE SEAT BELTS ARE FASTENED ABOUT EACH PASSENGER, AND TO PROVIDE NO CLAIMS FOR DAMAGES MAY ARISE FROM THE FAILURE OF SCHOOL BUS DRIVERS TO ENSURE PASSENGERS WEAR THESE SEAT BELTS; TO AMEND SECTION 59‑67‑10, RELATING TO DEFINITIONS CONCERNING THE TRANSPORTATION OF STUDENTS AND SCHOOL BUSES, SO AS TO DEFINE THE TERM “LAP SEAT BELT”; AND TO AMEND SECTION 59‑67‑40, RELATING TO THE APPLICABILITY OF CERTAIN REQUIREMENTS OF PUBLIC SCHOOL BUSES TO PRIVATE SCHOOL BUSES, SO AS INCLUDE LAP SEAT BELT REQUIREMENTS.

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) All school buses put into service after August 1, 2020, must be equipped with lap seat belts designed and installed in compliance with United States Department of Transportation motor vehicle safety standards for each permanent seating accommodation. This requirement is in addition to the school bus safety standards of Section 56‑5‑195.

(B) Lap seat belts required in subsection (A) must be fastened about each passenger at all times during vehicle operation for vehicles that have these seat belts. School bus drivers shall ensure that these seat belts are fastened about each passenger. 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 lap seat belt.”

SECTION 2. Section 59‑67‑10 of the 1976 Code is amended to read:

“Section 59‑67‑10. When used in this ~~article,~~ chapter:

(1) ‘School bus’ ~~shall be construed to mean~~ means:

(a) every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school; or

(b) privately owned and operated for compensation for the transportation of children to or from school.

(2) ‘Lap seat belt’ means a vehicle seat belt that restrains the lower torso of a passenger, usually with a continuous loop of webbing connected to a buckle with a latchplate.”

SECTION 3. 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 lap seat belts.

(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 4. This act takes effect upon approval by the Governor.

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