



H.B. 82

127th General Assembly
(As Introduced)

Reps. Chandler, Okey, J. Stewart, Brown, Koziura, Yuko, Skindell, Harwood

BILL SUMMARY

- Prohibits any person, community school, board of education, or governmental entity (school bus operator), on and after January 1, 2010, from purchasing, leasing, or renting a school bus to transport students to and from school unless the school bus has a seat belt for each school bus passenger who occupies a passenger seat.
- Requires a school bus operator to adopt a disciplinary policy governing the failure of a school bus passenger to wear or properly adjust a seat belt.
- Provides that a school bus operator does not have a duty to ensure that a school bus passenger wear and properly adjust a seat belt, and the liability or immunity of a school bus operator under the political subdivision tort liability law remains unaffected.

CONTENT AND OPERATION

Passenger seat belts on school buses

Current law does not require school buses to be equipped with seat belts, and typically school buses do not have any seat belts save one for the operator. Under the bill, on and after January 1, 2010, no person, community school, board of education, or governmental entity will be permitted to purchase, lease, or rent a school bus to transport students to and from school unless the school bus has a seat belt installed for the use of each school bus passenger occupying a passenger seat. The seat belt must consist of a retractable combination pelvic and upper torso restraint and meet or exceed federal requirements for such seat belts. Each person, community school, board of education, or governmental entity operating a school bus ("school bus operator") is required to maintain all available seat belts in a usable form. (R.C. 4511.773(A).) (See **COMMENT.**)

The bill requires a school bus operator to adopt a disciplinary policy governing the failure of a school bus passenger to wear or properly adjust an available seat belt (R.C. 4511.773(B)).

No duty to ensure school bus passengers are wearing seat belts; immunity from liability

Nothing in the bill, including any disciplinary policy adopted pursuant to the bill, may be construed as imposing on a school bus operator a duty to ensure that a school bus passenger wear and properly adjust an available seat belt. A school bus operator is not subject to criminal prosecution and is not liable in damages in any civil action on account of any injury, death, or loss of person or property allegedly arising from a failure to enforce a disciplinary policy adopted pursuant to the bill or to otherwise ensure that a school bus passenger wear and properly adjust an available seat belt. (R.C. 4511.773(C).)

In addition, nothing in the bill may be construed as affecting the liability or immunity of a school bus operator under the political subdivision tort liability law (R.C. 4511.773(D)).

COMMENT

The bill does *not* require any school bus that is used to transport students to and from school and lacks passenger seat belts to be retrofitted with them, unless it is purchased, leased, or rented by another school bus operator on or after January 1, 2010, and is used by the purchasing school bus operator to transport students to and from school.

HISTORY

ACTION	DATE
Introduced	02-28-07

H0082-I-127.doc/jc