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## Education Committee

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### HB 1246

**Brief Description:** Concerning school bus safety.

**Sponsors:** Representatives McCabe, Orwall, Johnson, Kirby, McBride, Dye, Kilduff, Gregerson, Wylie, Haler, Appleton, Senn and Muri.

#### Brief Summary of Bill

- Requires that every school bus manufactured or assembled after September 1, 2018, be equipped with a shoulder harness-type safety belt assembly for each passenger position.
- Requires that, beginning September 1, 2018, every school bus be equipped with an automated school bus safety camera for detecting vehicle infractions involving the overtaking or unlawful meeting of a school bus that has stopped on the roadway to load or unload school children.
- Establishes provisions for the use of revenues collected through infractions detected with an automated school bus safety camera, including using revenues for enforcing the infractions, funding school bus safety belt systems, and funding school bus replacement incentives.
- Establishes new provisions for the school bus replacement incentive program of the Office of the Superintendent of Public Instruction (OSPI), including requiring the OSPI to fund up to 10 percent of the cost of a new school bus if the new bus is replacing a 1994 or older school bus, or the oldest bus in the school district's fleet.

**Hearing Date:** 1/22/18

**Staff:** Ethan Moreno (786-7386).

**Background:**

School Buses: General and Regulatory Information.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

School buses are used to transport students to and from school or in connection with designated school activities. School district boards of directors (school boards) are responsible for the operation of student transportation programs. School districts may use school buses and drivers hired by the district or commercial chartered bus services for the transportation of school children and employees necessary for their supervision.

School buses have four general size-oriented classifications (Types A through D), with passenger capacity increasing in each sequential classification. Type D buses can have a capacity of 90 passengers.

The National Highway Traffic Safety Administration (NHTSA) establishes federal safety requirements for school buses, including requirements for structural integrity, periodic inspections, and school bus seating and restraining barriers. In addition to the federal requirements, states may also adopt requirements for school buses and their safe operation.

Federal Motor Vehicle Safety Standard Number 222, as adopted by the NHTSA, requires that small school buses, school buses with a gross vehicle weight rating (GVWR) of 10,000 pounds or less, have Type 2 seat belt assemblies with pelvic and upper torso restraints (also known as "lap/shoulder belts") at each seating position.

Federal requirements do not mandate passenger seat belts for large school buses with a GVWR greater than 10,000 pounds, but states may require that large school buses have seat belts. If a state requires seat belts on large school buses, the seat belts must comply with federal performance standards. Washington does not require passenger seat belts for school buses with a GVWR greater than 10,000 pounds.

#### School Buses: Purchase and Replacement.

School districts are responsible for selecting, paying for, and maintaining student transportation vehicles purchased by the district. Regarding school bus purchases, the Superintendent of Public Instruction (SPI) is responsible for developing categories and competitive specifications for school bus acquisitions as well as a corresponding list of school bus dealers with the lowest purchase price quotes. School districts and Educational Service Districts that purchase buses through this competitive quote process or through a separate lowest-price competitive bid process are eligible for certain state funds that are based on the category of vehicle, the anticipated lifetime of vehicles of this category, and a state reimbursement rate. The accumulated value of the state payments received by the district and the potential investment return is designed to be equal to the replacement cost of the vehicle, less its salvage value, at the end of its anticipated lifetime.

Legislation adopted in 2007 directed the Office of the Superintendent of Public Instruction (OSPI) to implement a school bus replacement incentive program for qualifying new buses purchased by a school district on or before June 30, 2009. Districts participating in the program were required to document that buses being replaced through the program were scrapped and not purchased for future road use.

#### Automated School Bus Safety Cameras.

School districts, if approved by the applicable school board, may install and operate automated school bus safety cameras on school buses. The installation and operation must be for the

purpose of detecting vehicle infractions involving the overtaking or unlawful meeting of a school bus that has stopped on the roadway to load or unload school children.

A "automated school bus safety camera" is defined in statute as a device affixed to a school bus that is synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a vehicle at the time the vehicle is detected for an infraction. Automated school bus safety cameras may only take pictures of the vehicle and vehicle license plate, and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

If an infraction is detected through the use of an automated school bus safety camera, a notice of the infraction must be mailed to the registered owner of the vehicle within 14 days of the violation, or to the renter of a vehicle within 14 days of establishing the renter's name and address. Absent evidence to the contrary or other factors, the registered owner or renter of the vehicle is responsible for the infraction and the associated monetary penalty. A person responsible for an infraction detected through the use of an automated school bus safety camera may be assessed a monetary penalty of \$419.

If a school district installs and operates an automated school bus safety camera, the compensation paid to the manufacturer or vendor of the equipment must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of any fines or civil penalties imposed or the revenue generated by the equipment. Before entering into a contract with a vendor for an automated school bus safety camera, the district must use a competitive bid process.

Any revenue collected from infractions detected through the use of automated school bus safety cameras, less the administration and operating costs of the cameras, must be remitted to school districts for school zone safety projects as determined by the school district. The administration and operating costs of the cameras includes infraction enforcement and processing costs that are incurred by local law enforcement or local courts.

### **Summary of Bill:**

State provisions governing seat belt and shoulder harness requirements for motor vehicles are amended to require that every school bus manufactured or assembled after September 1, 2018, be equipped with a shoulder harness-type safety belt assembly for each passenger position. In accordance with this requirement, the OSPI must include specifications for the seat belt assembly in its competitive quote process for school bus acquisitions.

Beginning September 1, 2018, every school bus, in addition to any other equipment required by law, must be equipped with an automated school bus safety camera.

By September 1, 2018, school districts must install and operate automated school bus safety cameras for detecting vehicle infractions involving the overtaking or unlawful meeting of a school bus that has stopped on the roadway to load or unload school children. School districts are not required to take school buses out of service if the automated school bus safety cameras are nonfunctional, but each school district must ensure that the nonfunctional camera is returned to functioning condition as soon as practicable.

Provisions governing the use of revenues received by a school district for infractions detected through the use of automated school bus safety cameras are modified. Any school district that is under a safety camera system contract before July 23, 2017, must continue to receive funds from the use of the safety camera systems and may either use the revenues for school zone safety projects or transfer the district's portion of the revenues to an existing transportation vehicle fund of the district.

School districts that install automated school bus safety cameras on or after July 23, 2017, must distribute revenue collected from infractions detected through the use of automated school bus safety cameras, less the administration and operating costs of the cameras, as follows:

- one-third to a newly created school bus safety account;
- one-third to the law enforcement agency issuing the infraction; and
- one-third to the court processing the infraction.

The school bus safety account is created in the state treasury. Between July 23, 2017, and July 31, 2022, the first \$10 million in expenditures from the account for each year must be transferred to the general fund to pay for the cost of school bus safety belt systems. Any remaining expenditures must be used for the school bus replacement incentives. Beginning August 1, 2022, expenditures from the account may only be used for school bus incentive program of the OSPI. Interest earnings from the account remain in the account.

Provisions governing the school bus replacement incentive program of the OSPI are modified. The OSPI is directed through the program to fund up to 10 percent of the cost of a new school bus, provided that the new bus is replacing either a 1994 or older school bus, or the oldest bus in the school district's fleet. The replacement of the oldest buses must be given highest priority, and replacement incentive funds received by a school district must be deposited into the district's existing transportation vehicle fund.

**Appropriation:** None.

**Fiscal Note:** Requested on January 19, 2018.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.