

SENATE FILE NO. SF0052

School bus seat belts.

Sponsored by: Senator(s) Jennings and Representative(s)
Wallis

A BILL

for

1 AN ACT relating to school buses; requiring seat belts in
2 school buses as specified; limiting liability; imposing
3 duties upon the department of education; and providing for
4 effective dates.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 21-3-131(b)(iv) and by creating a new
9 subsection (c) and 31-5-1402 by creating a new subsection
10 (b) and by renumbering (b) through (f) as (c) through (g)
11 are amended to read:

12

13 **21-3-131. School bus standards; operators; vehicle**
14 **operation; liability limited.**

15

1 (b) Each district shall establish and maintain
2 minimum standards for the operation of school buses,
3 including:

4
5 (iv) Passengers ~~in type A school buses equipped~~
6 ~~with factory installed lap belts~~ shall wear a properly
7 secured lap or seat belt at all times the ~~vehicle~~ school
8 bus is in motion, as follows:

9
10 (A) In type A school buses equipped with
11 factory installed lap belts and ordered by a district prior
12 to July 1, 2009, as evidenced by the date specified on the
13 district's purchase order or dealer's factory order;

14
15 (B) In all school buses ordered by a
16 district on or after July 1, 2009, as evidenced by the date
17 specified on the district's purchase order or dealer's
18 factory order, and equipped with a factory installed seat
19 belt assembly complying with federal motor vehicle safety
20 standards adopted by the United States department of
21 transportation (49 C.F.R. Part 571, FMVSS no. 222).

22
23 (c) Evidence of a person's failure to wear a lap or
24 seat belt as required by paragraph (b)(iv) of this section,

1 or the failure of a school bus operator to require a
2 passenger to wear a lap or seat belt as required under W.S.
3 31-5-1402(a), shall not be admissible in any civil action.
4 Evidence of a passenger's failure to wear a lap or seat
5 belt as required by paragraph (b)(iv) of this section, or
6 the failure of a school bus operator to require a passenger
7 to wear a lap or seat belt as required under W.S.
8 31-5-1402(a), shall not be admissible for the purposes of
9 W.S. 31-5-1402(a).

10
11 **31-5-1402. Safety belts required to be used;**
12 **exceptions; reduction in fine.**

13
14 (b) Each passenger of a school bus ordered by a
15 school district on or after July 1, 2009, as evidenced by
16 the date specified on the district's purchase order or
17 dealer's factory order, and operated in this state shall
18 wear, and each school bus operator shall require that each
19 passenger shall wear, a seat belt assembly as required
20 under W.S. 21-3-131(b)(iv). Each school bus operator shall
21 wear a lap belt as required under W.S. 21-3-131(b)(iii).

22
23 ~~(b)~~(c) Subsection (a) of this section does not apply
24 to:

1

2 (i) Any person who has a written statement from
3 a physician that it is not advisable for the person to wear
4 a safety belt for physical or medical reasons;

5

6 (ii) Any passenger vehicle which is not required
7 to be equipped with safety belts under federal law;

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9 (iii) A carrier of the United States postal
10 service performing duties as a postal carrier;

11

12 (iv) Any person properly secured in a child
13 safety restraint system in accordance with W.S. 31-5-1301
14 through 31-5-1305; or

15

16 (v) Any person occupying a seat in a vehicle in
17 which all operable safety restraints are being used by the
18 driver or passengers and any person occupying a seat in a
19 vehicle originally manufactured without a safety belt.

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21 ~~(e)~~(d) No violation of this section shall:

22

1 (i) Be counted as a moving violation for the
2 purpose of suspending a driver's license under W.S.
3 31-7-129;

4
5 (ii) Be grounds for increasing insurance
6 premiums or made a part of the abstracts kept by the
7 department pursuant to W.S. 31-5-1214.

8
9 ~~(d)~~(e) No motor vehicle shall be halted solely for a
10 violation of this section.

11
12 ~~(e)~~(f) All citations for violations of the motor
13 vehicle laws of this state and for violations of traffic
14 ordinances or traffic regulations of a local authority
15 shall contain a notation by the issuing officer indicating
16 whether the driver and passengers complied with this
17 section. Compliance with this section shall entitle a
18 licensee to a ten dollar (\$10.00) reduction in the fine
19 otherwise imposed by any court having jurisdiction over the
20 alleged offense. The driver who violates this section may
21 be issued a citation and may be subject to a fine of not
22 more than twenty-five dollars (\$25.00). Any passenger who
23 violates this section may be issued a citation and may be
24 subject to a fine of not more than ten dollars (\$10.00).

1

2 ~~(f)~~(g) Evidence of a person's failure to wear a
3 safety belt as required by this act shall not be admissible
4 in any civil action.

5

6 **Section 2.** The department of education shall notify
7 each school district of school bus seat belt assembly
8 requirements imposed under this act, and shall accordingly
9 modify school bus equipment standards promulgated under
10 W.S. 21-13-320 within sufficient time for application to
11 school bus purchases and leases on or after July 1, 2009.

12

13 **Section 3.**

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15 (a) Except as provided in subsection (b) of this
16 section, this act is effective July 1, 2009.

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18 (b) Notwithstanding subsection (a) of this section,
19 section 2 of this act is effective immediately upon
20 completion of all acts necessary for a bill to become law
21 as provided by Article 4, Section 8 of the Wyoming
22 Constitution.

23

24

(END)