

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6525

BILL NUMBER: SB 406

NOTE PREPARED: Dec 22, 2010

BILL AMENDED:

SUBJECT: Use of School Bus Safety Belts.

FIRST AUTHOR: Sen. Rogers

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Safety Belts:* This bill requires that the State School Bus Committee adopt and enforce rules to require that a person operating a school bus equipped with safety belts provide instruction to the passengers on the school bus at least one time a semester on the proper fastening of the safety belt about the passenger's body, and that the failure to provide the instruction subjects: (1) an employee of a school corporation to removal from employment; and (2) a person operating a school bus under contract to cancellation of the contract.

Liability: It provides that a school corporation or an employee of, volunteer for, or independent contractor who performs services for a school corporation is not liable for an injury to or the death of a passenger on a school bus equipped with safety belts if the passenger: (1) was required to and instructed on the proper way to wear a safety belt and the injury to or death of the passenger was caused by the passenger not wearing a safety belt or wearing a safety belt in an improper manner; or (2) was not required to wear a safety belt and the injury to or death of the passenger was caused by the passenger wearing a safety belt in an improper manner.

Effective Date: July 1, 2011.

Explanation of State Expenditures: *Safety Belts:* Under current law, school children riding in a school bus are not required to wear safety belts.

This bill charges the State School Bus Committee to adopt and enforce rules that would require a school bus driver operating a school bus equipped with safety belts to instruct the passengers at least once a semester on the proper use of the seat belts. Failure to do so would be grounds for dismissal, or cancellation of the contract if the employee was an independent contractor. The fiscal impact would be minimal.

Explanation of State Revenues:

Explanation of Local Expenditures: *Liability:* Under the bill, if a passenger on a school bus was instructed on how to properly wear a safety belt but refused to do so or to wear it properly, the school corporation or its employees would not be liable if the passenger was killed or was injured as a result. The school corporation or its employees would also not be liable if the passenger was not required to wear a safety belt and the injury to or death of the passenger was caused by the passenger wearing a safety belt in an improper manner.

This bill could potentially reduce the damages the school corporation might be liable for due to a death or injury on a school bus as a result of improper seat belt use.

Explanation of Local Revenues:

State Agencies Affected: State School Bus Committee.

Local Agencies Affected: School corporations.

Information Sources:

Fiscal Analyst: David Lusan, 317-232-9592.