

SCHOOLBUS SAFETY: TWO NEW LAWS AFFECTING PASSENGER RESTRAINT SYSTEMS AND CHILD SAFETY ALERT SYSTEMS

California recently passed two new laws affecting schoolbus safety.

AB 1798—PASSENGER RESTRAINT SYSTEMS

On August 27, 2018, Governor Jerry Brown signed into law AB 1798 (Chapter 206, Statutes of 2018), which requires that all schoolbuses in use in California be equipped with a passenger restraint system by July 1, 2035. This new requirement reflects a longstanding trend in California, as well as a growing official consensus, that passenger restraint systems protect pupils in certain types of crashes.

Seat belts have been mandated on all newly purchased schoolbuses in California since 2005. AB 1798 will apply to all schoolbuses in use by the beginning of the 2035-2036 fiscal year. This will require either the retrofitting or replacement of all schoolbuses in use by that date that are not already equipped with legally-compliant passenger restraint systems.

This new requirement reflects a change in thinking about the crash-safety of schoolbuses. In recent years, both the National Highway Transportation Safety Administration (NHTSA) and The National Transportation Safety Board (NTSB) have recognized that, while schoolbus seats are excellent at protecting pupils in front-impact crashes, they are less effective in side-impact or rollover accidents. Both NHTSA and NTSB have, in recent years, recommended that children have three-point seatbelts on schoolbuses.

According to the California Highway Patrol (CHP), the number of schoolbuses with passenger restraint systems has increased steadily since 2005. CHP notes that approximately 54.4 percent of California schoolbuses had passenger restraint systems as of 2016. Based on current trends, CHP estimates that by 2025, around 90% of schoolbuses could be equipped with restraint systems.

Assembly Member Kansen Chu, the author of AB 1798, has noted that because schoolbuses have a working life of 30 years, the majority of schoolbuses without seat belts will already be out of commission by 2035. The assumption is that for this reason, AB 1798 is unlikely to cause school districts to incur extra costs.

AB 1840—CHILD SAFETY ALERT SYSTEMS

On September 17, 2018, Governor Brown signed into law AB 1840 (Chapter 426, Statutes of 2018). AB 1840 is an education budget trailer bill, which includes a provision relating to child safety alert systems-- devices located at the interior rear of a vehicle that requires the driver to either manually contact or scan the device before exiting the vehicle, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting.

SB 1072 (Chapter 721, Statutes of 2016) required that certain schoolbuses be equipped with child safety alert systems by the 2018-2019 school year. Many local educational agencies have had difficulty complying with the requirement, as manufacturers and installers of the systems have been unable to keep up with demand. AB 1840 extends the deadline for system installation by six months, or until March 1, 2019. Smaller school districts (with

an average daily attendance of less than 4,000) that cannot meet the requirements of the law by March 1, 2019 must submit to the Department of Motor Vehicles documentation that demonstrates that it has ordered or purchased the child safety alert system or systems as well as other information including the estimated date of installation. Those districts may be given an additional six months, to September 1, 2019, to comply.

Please contact your Keenan Account Manager for questions regarding this *Briefing*.

Keenan & Associates is not a law firm and no opinion, suggestion, or recommendation of the firm or its employees shall constitute legal advice. Clients are advised to consult with their own attorney for a determination of their legal rights, responsibilities and liabilities, including the interpretation of any statute or regulation, or its application to the clients' business activities.