

1.1 A bill for an act

1.2 relating to transportation; requiring lap or lap and shoulder belts for all school
1.3 buses; amending Minnesota Statutes 2006, section 169.447, subdivision 2a.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2006, section 169.447, subdivision 2a, is amended to
1.6 read:

1.7 Subd. 2a. **Passenger lap and shoulder belts.** (a) In addition to the requirements in
1.8 section 169.4501, subdivision 1, a school bus ~~may~~ must be equipped with an approved
1.9 lap belt or an approved lap and shoulder belt installed for each passenger-seating position
1.10 on the bus. New school buses manufactured on and after January 1, 2008, must be
1.11 equipped with lap belts or lap and shoulder belts. Owners and operators of school buses
1.12 manufactured before January 1, 2008, must retrofit all of the school buses with lap belts or
1.13 lap and shoulder belts by January 1, 2012, with at least one-fourth of the fleet retrofitted
1.14 each year. The design and installation of lap belts and lap and shoulder belts required
1.15 under this paragraph must meet the standards of the commissioner established under
1.16 paragraph (b).

1.17 (b) The commissioner shall consider all concerns necessary to properly integrate
1.18 lap belts or lap and shoulder belts into the current compartmentalization safety system
1.19 and prescribe standards for the design and installation of lap and shoulder belts required
1.20 under paragraph (a). The standards are not subject to chapter 14 and are specifically not
1.21 subject to section 14.386.

1.22 (c) This subdivision does not apply to specially equipped school buses under section
1.23 169.4504.

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2.1 (d) A passenger on a school bus equipped with lap belts or lap and shoulder belts
2.2 must use these lap belts or lap and shoulder belts unless the passenger, or if the passenger
2.3 is a minor, the passenger's parent or guardian, has notified the school district in writing
2.4 that the passenger does not intend to wear the lap belt or lap and shoulder belt.

2.5 (e) In an action for personal injury or wrongful death against a school district, a
2.6 school bus operator under contract with a school district, or any agent or employee of a
2.7 school district or operator, or against a volunteer, no such person or entity shall be held
2.8 liable solely because the injured party was not wearing a safety belt; provided, however,
2.9 that nothing contained herein shall be construed to grant immunity from liability for
2.10 failure to:

2.11 (1) maintain in operating order any equipment required by statute, rule, or school
2.12 district policy; or

2.13 (2) comply with an applicable statute, rule, or school district policy.

2.14 (f) In an action for personal injury or wrongful death, a school district, a school bus
2.15 contract operator, any agent or employee of a school district or operator, or a volunteer
2.16 is not liable for failing to assist any child with the adjustment, fastening, unfastening, or
2.17 other use of the lap belt or lap and shoulder belt.

2.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.