

AMENDMENTS TO LB 1092

Introduced by Transportation and Telecommunications.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Each seat on each school bus purchased new,
4 other than by a school board or board of education, on or after
5 January 1, 2010, to be operated for the transportation of public
6 school children in Nebraska shall be equipped with lap-shoulder
7 belts sufficient to allow each passenger who is being transported
8 to use a separate belt. The belts shall meet the standards under 49
9 C.F.R. 571.208, as such regulation existed on January 1, 2008.

10 Sec. 2. Section 79-601, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 79-601 (1) The school board or board of education of any
13 public school district may, when authorized by a majority vote of
14 the members of such board, purchase out of the general fund of
15 the district a school bus or buses for the purpose of providing
16 transportation facilities for school children to and from school
17 and to and from all school-related activities. Each seat on each
18 school bus purchased new on or after January 1, 2010, by a school
19 board or board of education to be operated for the transportation
20 of public school children in Nebraska shall be equipped with
21 lap-shoulder belts sufficient to allow each passenger who is being
22 transported to use a separate belt. The belts shall meet the
23 standards under 49 C.F.R. 571.208, as such regulation existed on

1 January 1, 2008.

2 (2) The school board or board of education of any
3 public school district providing such transportation facilities for
4 children attending public schools shall also provide transportation
5 without cost for children who attend nonprofit private schools
6 which are approved for continued legal operation under rules and
7 regulations established by the State Board of Education pursuant
8 to subdivision (5)(c) of section 79-318. Such transportation shall
9 be provided for only such children attending nonprofit private
10 schools who reside in a district which provides transportation to
11 public school students, and such transportation shall extend only
12 from some point on the regular public school route nearest or
13 most easily accessible to their homes to and from a point on the
14 regular public school route nearest or most easily accessible to
15 the school or schools attended by such children. The governing
16 body of such nonprofit private school, on a form to be provided
17 by the State Department of Education, shall certify to the public
18 school district the names, addresses, and days of school attendance
19 of children transported and such other information useful in
20 operating the transportation facility as may be required by rules
21 established by the State Board of Education. Transportation shall
22 be provided for nonprofit private school children only at times
23 when transportation is being provided for public school children.

24 (3) The school board or board of education of any public
25 school district may enter into a contract with a municipality or
26 county pursuant to section 13-1208.

27 Sec. 3. Section 79-609, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 79-609 (1) The school board or board of education, after
3 consultation with a member of the Nebraska State Patrol, shall
4 determine the number of passengers that may be safely transported
5 in each bus.

6 (2) (a) Any company or agency that provides transportation
7 of pupils by school bus and contracts directly with the pupils or
8 their parents, (b) the school board or board of education of the
9 public schools, and (c) the governing authority of any private,
10 denominational, or parochial school in this state shall provide,
11 at least twice during each school year to each pupil who is
12 transported in a school bus, instruction in safe riding practice,
13 ~~and~~ participation in emergency evacuation drills, and instruction
14 in proper use of lap belts, shoulder belts, or lap-shoulder belts.

15 (3) The operator of a school bus equipped with an
16 occupant protection system as defined in section 60-6,265 shall
17 wear such system whenever the vehicle is in motion.

18 (4) Each passenger on a school bus that is equipped
19 with lap belts, shoulder belts, or lap-shoulder belts shall be
20 transported only in a designated seating position and shall wear
21 such a belt, properly adjusted and fastened, at all times while the
22 bus is in operation.

23 (5) Nothing in this section shall be construed to
24 increase or decrease the liability of a school district to a
25 school bus passenger or other person for personal injury to the
26 school bus passenger caused solely due to the failure to use such
27 a belt or the misuse of such a belt by the injured passenger or

1 another passenger.

2 (6) Nothing in this section shall be construed to
3 increase or decrease the liability of a school district for the
4 continued operation or use of a school bus which is not equipped
5 with lap-shoulder belts as described in section 79-601.

6 Sec. 4. Original sections 79-601 and 79-609, Reissue
7 Revised Statutes of Nebraska, are repealed.