

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 255

Introduced by Harms, 48; Howard, 9.

Read first time January 14, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to school buses; to amend sections 79-601 and
2 79-609, Reissue Revised Statutes of Nebraska; to require
3 lap-shoulder belts as prescribed; to require instruction
4 regarding use of certain belts; to require the use of
5 certain belts; to state intent regarding liability; and
6 to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Each seat on each school bus manufactured on
 2 or after the effective date of this act and purchased, other than
 3 by a school board or board of education, on or after January
 4 1, 2010, to be operated for the transportation of public school
 5 children in Nebraska shall be equipped with lap-shoulder belts
 6 sufficient to allow each passenger who is being transported to use
 7 a separate belt. The belts shall meet the standards under 49 C.F.R.
 8 571.208, as such regulation existed on January 1, 2009.

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

11 79-601 (1) The school board or board of education of any
 12 public school district may, when authorized by a majority vote of
 13 the members of such board, purchase out of the general fund of
 14 the district a school bus or buses for the purpose of providing
 15 transportation facilities for school children to and from school
 16 and to and from all school-related activities. Each seat on each
 17 school bus manufactured on or after the effective date of this act
 18 and purchased on or after January 1, 2010, by a school board or
 19 board of education to be operated for the transportation of public
 20 school children in Nebraska shall be equipped with lap-shoulder
 21 belts sufficient to allow each passenger who is being transported
 22 to use a separate belt. The belts shall meet the standards under 49
 23 C.F.R. 571.208, as such regulation existed on January 1, 2009.

24 (2) The school board or board of education of any
 25 public school district providing such transportation facilities for

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

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

24 Sec. 3. Section 79-609, Reissue Revised Statutes of
25 Nebraska, is amended to read:

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

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

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

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

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

1 a belt or the misuse of such a belt by the injured passenger or
2 another passenger.

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

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