

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 279

Introduced by Hilkemann, 4; Kolterman, 24.

Read first time January 11, 2017

Committee: Transportation and Telecommunications

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

1 Section 1. Each seat on each school bus manufactured on or after
2 the effective date of this act and purchased, other than by a school
3 board or board of education, on or after January 1, 2018, to be operated
4 for the transportation of public school children in Nebraska shall be
5 equipped with lap-shoulder belts sufficient to allow each passenger being
6 transported to use a separate belt. The belts shall meet the standards
7 under 49 C.F.R. 571.208 to 571.210 and 49 C.F.R. 571.222, as such
8 regulations existed on January 1, 2017.

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

11 79-601 (1) The school board or board of education of any public
12 school district may, when authorized by a majority vote of the members of
13 such board, purchase out of the general fund of the district a school bus
14 or buses for the purpose of providing transportation facilities for
15 school children to and from school and to and from all school-related
16 activities. Each seat on each school bus manufactured on or after the
17 effective date of this act and purchased on or after January 1, 2018, by
18 a school board or board of education to be operated for the
19 transportation of public school children in Nebraska shall be equipped
20 with lap-shoulder belts sufficient to allow each passenger who is being
21 transported to use a separate belt. The belts shall meet the standards
22 under 49 C.F.R. 571.208 to 571.210 and 49 C.F.R. 571.222, as such
23 regulations existed on January 1, 2017.

24 (2) The school board or board of education of any public school
25 district providing such transportation facilities for children attending
26 public schools shall also provide transportation without cost for
27 children who attend nonprofit private schools which are approved for
28 continued legal operation under rules and regulations established by the
29 State Board of Education pursuant to subdivision (5)(c) of section
30 79-318. Such transportation shall be provided for only such children
31 attending nonprofit private schools who reside in a district which

1 provides transportation to public school students, and such
2 transportation shall extend only from some point on the regular public
3 school route nearest or most easily accessible to their homes to and from
4 a point on the regular public school route nearest or most easily
5 accessible to the school or schools attended by such children. The
6 governing body of such nonprofit private school, on a form to be provided
7 by the State Department of Education, shall certify to the public school
8 district the names, addresses, and days of school attendance of children
9 transported and such other information useful in operating the
10 transportation facility as may be required by rules established by the
11 State Board of Education. Transportation shall be provided for nonprofit
12 private school children only at times when transportation is being
13 provided for public school children.

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

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

19 79-609 (1) The school board or board of education, after
20 consultation with a member of the Nebraska State Patrol, shall determine
21 the number of passengers that may be safely transported in each bus.

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

30 (3) The operator of a school bus equipped with an occupant
31 protection system as defined in section 60-6,265 shall wear such system

1 whenever the school bus vehicle is in motion.

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

6 (5) Nothing in this section shall be construed to increase or
7 decrease the liability of a school district to a school bus passenger or
8 other person for personal injury to the school bus passenger caused
9 solely due to the failure to use such belt or the misuse of such belt by
10 such injured passenger or other person.

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

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