

A bill for an act

relating to transportation; amending seat belt requirements for motor coaches used in school-related transportation; amending Minnesota Statutes 2008, section 169.447, subdivision 2a.

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

Section 1. Minnesota Statutes 2008, section 169.447, subdivision 2a, is amended to read:

Subd. 2a. **Passenger lap and shoulder belts.** (a) In addition to the requirements in section 169.4501, subdivision 1~~;~~

(1) a school bus may be equipped with an approved lap belt or an approved lap and shoulder belt installed for each passenger-seating position on the bus; and

(2) a school motor coach must be equipped with an approved lap belt or an approved lap and shoulder belt installed for each passenger-seating position.

(b) The design and installation of lap belts and lap and shoulder belts required under this paragraph (a) must meet the standards of the commissioner established under this paragraph (b).

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

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

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

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

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

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

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

(g) For purposes of this subdivision, "school motor coach" means a bus that has an elevated passenger deck located over a baggage compartment, when the vehicle is used to transport pupils to or from a school, as defined in section 120A.22, or to or from school-related activities, by (1) the school or a school district, or (2) someone under an agreement with the school or a school district, including operation under charter carrier authority.

EFFECTIVE DATE. This section is effective July 1, 2012.