

ASSEMBLY BILL NO. 411—ASSEMBLYMAN ATKINSON

MARCH 24, 2005

Referred to Committee on Transportation

SUMMARY—Requires appropriate safety restraints in school buses. (BDR 34-260)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the transportation of pupils; requiring the Director of the Department of Public Safety to prescribe the appropriate safety restraints for school buses that are used for the transportation of pupils; requiring under certain circumstances that school buses which are purchased on or after July 1, 2007, to be equipped with the safety restraints; requiring pupils to use the safety restraints while riding on a school bus; providing an exception for certain pupils; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director of the Department of Public Safety shall, in consultation with the State Board, adopt regulations that prescribe, in accordance with any applicable federal standards or requirements, the appropriate safety restraints for each school bus that is purchased on or after July 1, 2007. To the extent feasible, the Department of Public Safety and the State Board shall prescribe the three point restraint system as the appropriate safety restraint.

2. Except as otherwise provided in subsection 3, each pupil who rides in a school bus that is equipped with the safety restraints



1 *prescribed pursuant to subsection 1 shall wear the appropriate*
2 *safety restraint while the bus is in operation.*

3 *3. A parent or legal guardian of a child who rides in a school*
4 *bus may submit to the board of trustees of the school district in*
5 *which the child is enrolled or the governing body of the charter*
6 *school in which the child is enrolled, as applicable, a signed*
7 *statement of a physician which indicates the physician has*
8 *determined that the safety restraint prescribed pursuant to*
9 *subsection 1 would, for that particular child, be impractical or*
10 *dangerous. If such a signed statement is submitted, the board of*
11 *trustees or the governing body, as applicable, shall waive the*
12 *requirement of subsection 2 for that child and maintain a copy of*
13 *the signed statement of the physician for each school year that the*
14 *child rides in the school bus.*

15 *4. If a school bus is equipped with the safety restraints*
16 *prescribed pursuant to subsection 1, neither the State, a county, a*
17 *school district, a public school, a charter school, a private school*
18 *or any employee or volunteer thereof is liable for injury to a*
19 *passenger on the school bus caused solely because:*

20 *(a) The passenger was not wearing the safety restraint; or*

21 *(b) The passenger or another passenger used or misused the*
22 *safety restraint in a dangerous or unsafe manner.*

23 **Sec. 2.** NRS 392.375 is hereby amended to read as follows:

24 392.375 1. At least twice each school year, a school district
25 shall require all the pupils in the school district who ride a school
26 bus to practice the evacuation of a school bus for a purpose other
27 than a crisis governed by NRS 392.600 to 392.656, inclusive, and to
28 receive instruction in the responsibility of a passenger of a school
29 bus to use the emergency exit doors on the bus during such an
30 evacuation.

31 2. Each school district shall adopt a safety program which does
32 not concern a crisis governed by NRS 392.600 to 392.656,
33 inclusive, and which includes, without limitation:

34 (a) The procedure for pupils to safely enter and exit a school
35 bus, including entering and exiting with a driver of a school bus as
36 an escort;

37 (b) Proper behavior and conduct of pupils while in areas around
38 a school bus where a high risk of danger to pupils exists, including
39 the area that is used to load and unload school buses;

40 (c) Behavior and conduct of pupils while on a school bus that
41 will enhance the safety of the pupils;

42 (d) Evacuation of pupils from a school bus; ~~and~~

43 (e) The location of emergency equipment on a school bus ~~and~~ ;
44 *and*



1 *(f) The proper use of the applicable safety restraint prescribed*
2 *by the Director of the Department of Public Safety pursuant to*
3 *section 1 of this act.*

4 ➡ At least annually, a school district shall require all pupils who are
5 enrolled in preschool, kindergarten and in grades 1 to 4, inclusive, in
6 the school district who ride a school bus to participate in the safety
7 program created pursuant to this section.

8 3. If a parent or legal guardian enrolls his child in preschool,
9 kindergarten or grades 1 to 6, inclusive, and the child will be riding
10 a school bus for the first time, the school shall provide the parent or
11 legal guardian, upon enrollment, with written information
12 concerning the safety of pupils on a school bus. The information
13 must include, without limitation:

14 (a) A description of each location that is designated to load and
15 unload a school bus which is in geographical proximity to the
16 pupil's residence;

17 (b) Rules of conduct for pupils on a school bus and at an area
18 that is designated for pupils to enter and exit a school bus;

19 (c) Instructions for the operation of a motor vehicle:

20 (1) At school crossing zones and in areas that are designated
21 to load and unload a school bus; and

22 (2) When a driver of a school bus operates a system of
23 flashing red lights;

24 (d) A description of the area around a school bus that poses a
25 high risk of danger to pupils and other pedestrians; ~~and~~

26 (e) Behavior and conduct for pupils who walk to and from an
27 area that is designated for pupils to enter and exit a school bus that
28 will enhance the safety of the pupils ~~;~~ *and*

29 *(f) The proper use of the applicable safety restraint prescribed*
30 *by the Director of the Department of Public Safety pursuant to*
31 *section 1 of this act.*

32 4. The board of trustees of each school district shall adopt
33 regulations regarding practices conducted pursuant to subsection 1
34 and participation in safety programs required by subsection 2,
35 including the requirement of such practices and participation in such
36 programs at the beginning of any field trip by school bus.

37 **Sec. 3.** NRS 392.410 is hereby amended to read as follows:

38 392.410 1. Except as otherwise provided in this subsection,
39 every school bus operated for the transportation of pupils to or from
40 school must be equipped with:

41 (a) A system of flashing red lights of a type approved by the
42 State Board and installed at the expense of the school district or
43 operator. Except as otherwise provided in subsection 2, the driver
44 shall operate this signal:



(1) When the bus is stopped to unload pupils.

(2) When the bus is stopped to load pupils.

(3) In times of emergency or accident, when appropriate.

(b) A mechanical device, attached to the front of the bus which, when extended, causes persons to walk around the device. The device must be approved by the State Board and installed at the expense of the school district or operator. The driver shall operate the device when the bus is stopped to load or unload pupils. The installation of such a mechanical device is not required for a school bus which is used solely to transport pupils with special needs who are individually loaded and unloaded in a manner which does not require them to walk in front of the bus. The provisions of this paragraph do not prohibit a school district from upgrading or replacing such a mechanical device with a more efficient and effective device that is approved by the State Board.

2. A driver may stop to load and unload pupils in a designated area without operating the system of flashing red lights required by subsection 1 if the designated area:

(a) Has been designated by a school district and approved by the Department;

(b) Is of sufficient depth and length to provide space for the bus to park at least 8 feet off the traveled portion of the roadway;

(c) Is not within an intersection of roadways;

(d) Contains ample space between the exit door of the bus and the parking area to allow safe exit from the bus;

(e) Is located so as to allow the bus to reenter the traffic from its parked position without creating a traffic hazard; and

(f) Is located so as to allow pupils to enter and exit the bus without crossing the roadway.

3. *In addition to the equipment required by subsection 1 and within the amount of money appropriated for this purpose, each school bus that is purchased on or after July 1, 2007, and that is operated for the transportation of pupils must be equipped with the safety restraints prescribed by the Director of the Department of Public Safety pursuant to section 1 of this act in a number that is sufficient to allow each pupil who rides on the school bus to use a separate safety restraint. To the extent feasible, each school district shall ensure that the school buses purchased on or after July 1, 2007, that are equipped with the safety restraint system, are used for the transportation of pupils enrolled in elementary schools in the school district. The provisions of this subsection do not apply if a school bus is purchased used.*

4. In addition to the equipment required by ~~subsection 1~~ *subsections 1 and 3*, and except as otherwise provided in subsection



4 of NRS 392.400, each school bus must be equipped and identified as required by the regulations of the State Board.

~~[4.]~~ 5. The agents and employees of the Department of ~~[Motor Vehicles]~~ *Public Safety* shall inspect school buses to determine whether the provisions of this section concerning equipment and identification of the school buses have been complied with, and shall report any violations discovered to the superintendent of schools of the school district wherein the vehicles are operating.

~~[5.]~~ 6. If the superintendent of schools fails or refuses to take appropriate action to correct any ~~[such]~~ violation *reported pursuant to subsection 5* within 10 days after receiving notice of it from the Department of ~~[Motor Vehicles]~~ *Public Safety*, he is guilty of a misdemeanor, and upon conviction must be removed from office.

~~[6.]~~ 7. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 4. NRS 394.190 is hereby amended to read as follows:

394.190 1. The provisions of NRS 392.400 and 392.410 *and section 1 of this act* relating to the condition, equipment and identification of vehicles used for the transportation of pupils apply to private schools.

2. All such vehicles are subject to inspection at all times by agents and employees of the Department of ~~[Motor Vehicles]~~ *Public Safety*, who shall report any violations discovered thereby to the executive head of the private school.

3. If the executive head of the private school fails or refuses to take appropriate action to correct any ~~[such]~~ violation *reported pursuant to subsection 2* within 10 days after receiving the report from the Department of ~~[Motor Vehicles]~~ *Public Safety*, he is guilty of a misdemeanor.

4. Except as otherwise provided in subsection 5, each pupil who rides in a school bus that is equipped with the safety restraints prescribed pursuant to subsection 1 shall wear the appropriate safety restraint while the bus is in operation.

5. A parent or legal guardian of a child who rides in a school bus may submit to the executive head of the private school a signed statement of a physician which indicates the physician has determined that the safety restraint prescribed pursuant to section 1 of this act would, for that particular child, be impractical or dangerous. If such a signed statement is submitted, the executive head of the private school shall waive the requirement of subsection 4 for that child and maintain a copy of the signed statement of the physician for each school year that the child rides in the school bus.

6. Each school bus that is purchased on or after July 1, 2007, and that is operated for the transportation of pupils must be



1 *equipped with the safety restraints prescribed by the Director of*
2 *the Department of Public Safety pursuant to section 1 of this act in*
3 *a number that is sufficient to allow each pupil who rides on the*
4 *school bus to use a separate safety restraint. To the extent feasible,*
5 *each private school shall ensure that the school buses purchased*
6 *on or after July 1, 2007, that are equipped with the safety restraint*
7 *system, are used for the transportation of pupils enrolled in*
8 *elementary schools, if applicable to the grade levels offered by the*
9 *private school. The provisions of this subsection do not apply if a*
10 *school bus is purchased used.*

11 *7. If a school bus is equipped with the safety restraints*
12 *prescribed pursuant to subsection 1, neither the State, a county, a*
13 *school district, a public school, a charter school, a private school*
14 *or any employee or volunteer thereof is liable for injury to a*
15 *passenger on the school bus caused solely because:*

- 16 *(a) The passenger was not wearing the safety restraint; or*
17 *(b) The passenger or another passenger used or misused the*
18 *safety restraint in a dangerous or unsafe manner.*

19 **Sec. 5.** NRS 484.641 is hereby amended to read as follows:

20 484.641 1. It is unlawful to drive a passenger car
21 manufactured after:

22 (a) January 1, 1968, on a highway unless it is equipped with at
23 least two lap-type safety belt assemblies for use in the front seating
24 positions.

25 (b) January 1, 1970, on a highway, unless it is equipped with a
26 lap-type safety belt assembly for each permanent seating position
27 for passengers. This requirement does not apply to the rear seats of
28 vehicles operated by a police department or sheriff's office.

29 (c) January 1, 1970, unless it is equipped with at least two
30 shoulder-harness-type safety belt assemblies for use in the front
31 seating positions.

32 2. Any person driving, and any passenger who:

33 (a) Is 6 years of age or older; or

34 (b) Weighs more than 60 pounds, regardless of age,

35 ➡ who rides in the front or back seat of any vehicle described in
36 subsection 1, having an unladen weight of less than 10,000 pounds,
37 on any highway, road or street in this State shall wear a safety belt if
38 one is available for his seating position.

39 3. A citation must be issued to any driver or to any adult
40 passenger who fails to wear a safety belt as required by subsection
41 2. If the passenger is a child who:

42 (a) Is 6 years of age or older but less than 18 years of age,
43 regardless of weight; or

44 (b) Is less than 6 years of age but who weighs more than 60
45 pounds,



1 ➡ a citation must be issued to the driver for his failure to require
2 that child to wear the safety belt, but if both the driver and that child
3 are not wearing safety belts, only one citation may be issued to the
4 driver for both violations. A citation may be issued pursuant to this
5 subsection only if the violation is discovered when the vehicle is
6 halted or its driver arrested for another alleged violation or offense.
7 Any person who violates the provisions of subsection 2 shall be
8 punished by a fine of not more than \$25 or by a sentence to perform
9 a certain number of hours of community service.

10 4. A violation of subsection 2:

11 (a) Is not a moving traffic violation under NRS 483.473.

12 (b) May not be considered as negligence or as causation in any
13 civil action or as negligent or reckless driving under NRS 484.377.

14 (c) May not be considered as misuse or abuse of a product or as
15 causation in any action brought to recover damages for injury to a
16 person or property resulting from the manufacture, distribution, sale
17 or use of a product.

18 5. The Department shall exempt those types of motor vehicles
19 or seating positions from the requirements of subsection 1 when
20 compliance would be impractical.

21 6. The provisions of subsections 2 and 3 do not apply:

22 (a) To a driver or passenger who possesses a written statement
23 by a physician certifying that he is unable to wear a safety belt for
24 medical or physical reasons;

25 (b) If the vehicle is not required by federal law to be equipped
26 with safety belts;

27 (c) To an employee of the United States Postal Service while
28 delivering mail in the rural areas of this State;

29 (d) If the vehicle is stopping frequently, the speed of that vehicle
30 does not exceed 15 miles per hour between stops and the driver or
31 passenger is frequently leaving the vehicle or delivering property
32 from the vehicle; or

33 (e) Except as otherwise provided in NRS 484.6415, to a
34 passenger riding in a means of public transportation, including ~~fa~~
35 ~~school bus or~~ an emergency vehicle ~~[-]~~ *but excluding a school bus.*

36 7. *The provisions of subsection 3 do not apply to a passenger*
37 *riding in a school bus.*

38 8. It is unlawful for any person to distribute, have for sale,
39 offer for sale or sell any safety belt or shoulder harness assembly for
40 use in a motor vehicle unless it meets current minimum standards
41 and specifications of the United States Department of
42 Transportation.

43 **Sec. 6.** On or before September 1, 2006, the State Board of
44 Education shall compile information from each school district that
45 provides an estimate of the financial costs for each school district to



1 comply with the provisions of this act. The compilation must be
2 included in the biennial budgetary request prepared by the
3 Department of Education.

4 **Sec. 7.** On or before January 1, 2007, the Department of
5 Public Safety shall, in consultation with the State Board of
6 Education, adopt regulations that prescribe the appropriate safety
7 restraints for each school bus that is operated for the transportation
8 of pupils.

9 **Sec. 8.** 1. This section and sections 6 and 7 of this act
10 become effective on July 1, 2005.

11 2. Section 1 of this act becomes effective on July 1, 2005, for
12 the purpose of adopting regulations and on July 1, 2007, for all other
13 purposes.

14 3. Sections 2 to 5, inclusive, of this act become effective on
15 July 1, 2007.

