

Learn More about Seat Belts on School Buses, a Hot Button Topic

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PASSENGER RESTRAINT SYSTEMS (LAP SHOULDER BELTS) AND CHILD SAFETY RESTRAINT SYSTEMS FREQUENTLY ASKED QUESTIONS (FAQ'S)

The purpose of this bulletin is to answer frequently asked questions regarding occupant protection in school buses, specifically passenger restraint systems (commonly referred to as lap/shoulder belts and child safety restraint systems [CSRS]). These are some of the most frequently asked questions in our industry:

1. **Will the school bus industry be required to retrofit their school buses with passenger restraint systems (lap/shoulder belts)?**

No, only California "Type 2" school buses manufactured on or after July 1, 2004 and "Type 1" school buses manufactured on or after July 1, 2005, are required by statute to be equipped with lap/shoulder belts (*Vehicle Code [VC] 27316*).

2. **If only required on new buses, what percentage of California's fleet is currently passenger restraint system equipped?**

7.3% or 1,900 out of 25,822 certified school buses. (California Highway Patrol [CHP] 7-1-07)

3. **Is it allowable to retrofit our school buses with passenger restraint systems?**

Yes, school buses may be retrofitted to meet *Federal Motor Vehicle Safety Standard (FMVSS) 209, 210 and 222* with the original equipment manufacturers (OEM) approval. Some items you should consider are the age of the bus, the total cost of the retrofit and the required re-inspection of the bus by CHP.

4. **Is it mandatory for passengers to wear the passenger restraint system?**

Yes, pursuant to Title 5, *California Code of Regulations (CCR), section 14105*:

"All passengers in a school bus or in a school pupil activity bus that is equipped with passenger restraint systems in accordance with sections 27316 and 27316.5 of the Vehicle Code shall use the passenger restraint system..."

5. **Are school bus drivers held liable if the students refuse to wear or take off the passenger restraint system while in route?**

Criminally no, pursuant to *Vehicle Code* section 27316 (c):

“No person, school district, or organization with respect to a school bus equipped with passenger restraint systems pursuant to this section, may be charged for a violation of this code or any regulation adopted thereunder requiring a passenger to use a passenger restraint system, if a passenger on the schoolbus fails to use or improperly uses the passenger restraint system, if a passenger on the schoolbus fails to use or improperly uses the passenger restraint system...”

However, district or company policies and procedures should be developed to enforce disciplinary actions for non-use or improper use of the passenger restraint system. The driver, school district or organization still may be charged civilly if reasonable care was not provided for the passenger(s).

As used above, the definitions of “criminal” and “civil” actions are as follows:

- Criminal action: Proceedings involving a person charged with a crime
- Civil action: Proceedings brought against a person to enforce or protect private rights

6. **How often should you provide instruction on proper usage and placement of the passenger restraint system?**

As required in *Education Code* section 39831.5 (a) (2):

“At least once in each school year...”

7. **Do we need to provide instruction regarding passenger restraint system usage prior to departure on an activity trip?**

Title 5, *CCR*, section 14105 requires that:

“...All pupils described in subdivision (a) or Education Code Section 39831.5 shall be instructed in an age-appropriate manner in the use of passenger restraint systems required by Education Code Section 39831.5(a) (3). The instruction shall include, but not limited to, the following information:”

- Proper fastening
- Unfastening
- Acceptable placement of passenger restraint systems on pupils

- Times at which the passenger restraint system should be fastened and released
- Acceptable placement of the passenger restraint system when not in use

8. Should young mothers be transported in a school bus with an infant in arms if the bus is equipped with passenger restraint systems?

Title13, *CCR, section 1217*, refers to seating capacity set forth in the CHP Vehicle Inspection Approval Certificate.

This regulation is not encouraging mothers to carry infants in arms while being transported on a school bus, but merely stating that the infants would not be counted towards the seating capacity limitations.

The National Highway Traffic Safety Administration (NHTSA) and the California Department of Education, Office of School Transportation (CDE) recommends that all infants and pre-school aged children be properly protected in a child safety restraint system, appropriate to the age and size of the child, meeting *FMVSS 213*.

9. Now that our buses are equipped with passenger restraint systems, what are the requirements relative to pre-trip inspections?

According to Title13, *CCR, section 1215(b) (1) (A)*, the driver shall, before driving a motor vehicle:

“Inspect each vehicle daily to ascertain that it is in safe operating condition and equipped as required by all provisions of law and all equipment is in good working order.”

10. Are drivers required to have seat belt cutters equipped in there bus? If so, where can we find documentation?

No. Seat belt cutters are not required on school buses equipped with seat belts. However, seat belt cutters are required when transporting children under the Final Head Start Rule Subpart B 1310.10 (d) (4)

11. Do NHTSA recommendations carry the weight of law when applied to student transportation?

No, unless the recommendation is adopted into law. However, if the school district or contractor chooses not to follow NHTSA recommendations, that decision may be challenged in court. An agency not following the recommendations may not be criminally responsible but may be charged civilly.

12. Are Lower Anchors and Tethers for Child Restraints (LATCH) required on school buses?

LATCH is required for two seating positions in buses weighing less than 10,000 lbs. manufactured after September 2002 and optional for all seating positions in small and large buses (FMVSS 225 “Child Restraint Anchorage Systems”).

13. Are tether anchors required to be used on school buses and how would they be secured?

Tether anchors are not required in school buses. However, there are certain special needs child restraints that require the use of a tether. When the use of a tether is required, use the seat belt in the seat behind the child restraint system as an anchor point.

14. What are the different types of child restraints?

- Infant-only
- Convertible
- Rear-facing
- Forward-facing only with harness/combination seat
- Combination booster,
- High-back or backless booster
- Integrated CSRS
- Portable CSRS
- Safety vest
- Special needs restraint system.

15. Can you use a child safety restraint system after a crash?

NHTSA recommends that child restraint systems (CRS) be replaced following a moderate or severe crash in order to ensure a continued high level of crash protection for child passengers. (Refer to NHTSA’s website [www.nhtsa.dot.gov] – Re-Use of Child Restraint Systems: In School Buses After Minor Crashes)

16. What are the most common misuses in installing the child safety restraint system (CSRS)?

- The selected Child Restraint (CR) is an inappropriate size for the child
- Webbing routed incorrectly
- Harness straps too loose
- Harness retainer clip too low
- Harness straps are twisted
- CR not secured correctly/too loose
- Broken parts

17. Why is it difficult to correctly secure a child safety restraint system in a school bus equipped with the passenger restraint systems?

- *Number of passenger restraint systems per seat:* When 3 sets of passenger restraint systems are installed on a school bus seat, the anchorage points are often narrower than the child's safety restraint system base. This makes it very difficult to properly secure a child safety restraint system.
- *Emergency Locking Retractor (ELR):* This type of retractor locks only in a sudden stop, turn or crash. This retractor type, along with one of the two non-locking latch-plates cannot secure a CR pre-crash without the use of a locking clip.
- *Adequate space between seats:* NHTSA recommends that the seat spacing be placed at the maximum allowable under *FMVSS 222*. Some types of car seats are too large to fit within the confines of *FMVSS 222*.

18. **Should our district buy new child safety restraint systems or use the ones the parents have?**

This decision must be made at the local level. If possible, consider using child safety restraints provided by the school district. Child safety restraints come in many different configurations. If a CSRS belonging to a parent or guardian is used, you may not know:

- The age of the CSRS (if it meets applicable safety standards)
- If the CSRS is in good working condition
- If the CSRS is appropriate for the child
- The crash history of the CSRS
- If the CSRS has been recalled
- The appropriate belt path for installing the CSRS (instruction books are often not available).

19. **When trying to decide between purchasing a child safety restraint system, what are some considerations prior to purchase?**

- What is stipulated in the child's IEP or IFSP
- What child restraint will provide the correct restraint for the child
- Age, size and weight of child
- Versatility
- Will the CSRS fit within the confines of the seat spacing on the school bus

20. **Since the high back seats make it difficult to see the students, is seat height an option when writing new school bus specifications?**

FMVSS 571.222 dictates the seat back height when manufactured. Recent changes to school bus safety requirements include raising the height of seat backs from 20 inches to 24 inches on all new school buses.

21. **Does having passenger restraint systems increase or decrease disciplinary problems?**

Representatives from the California school bus industry have noted that in some situations the restraints “decrease” disciplinary problems.

22. Does having passenger restraint systems on California school buses make them safer than a bus without passenger restraint systems?

We answer this question by saying all of our school buses are safer (8 times safer [NHTSA], 14-16 times safer [Transportation Research Board] 34 times safer [National Safety Council]) than any other motor vehicle operating on a California highway. The new restraint systems add an increased degree of safety in certain types of vehicle collisions, such as side impact and rollover. We stress that our current buses are extraordinarily safe. However, it is hard to argue that occupant restraints don't increase safety, in light of all of our experience and data collected over the past several decades regarding vehicle and passenger safety.

23. For a state that might be considering passenger restraint systems on school buses, what are some of the specific requirements that you feel should be included in the legislation?

- Protection of the driver and school district from civil and criminal liability in the event a passenger failed to use the restraint system
- Secure a funding source
- Address the needs of the special education community

24. Do you consider passenger restraint systems to be more beneficial to student safety than compartmentalization?

Although the NTSB expressed it's concern that “current compartmentalization, because of it's design, does not protect all passengers during lateral impacts with vehicles of large mass and during rollovers”, it goes on to further state: “...compartmentalization is most effective in protecting occupants in frontal and rear impacts...”

According to NHTSA: “The use of combination lap/shoulder belts, if used properly, could provide some benefit on both large and small school buses.” NHTSA testing has shown that the proper use of the lap/shoulder restraint system assists in keeping the occupant restrained within the confines of the compartment. This serves two purposes: to help prevent the ejection of occupants, and to lessen injuries to occupants during school bus accidents.

In 1999 the State of California recognized the safety benefit of passenger restraint systems for school bus occupants. Currently, California is the only state that has enacted legislation requiring lap/shoulder restraint systems on school buses.

For questions regarding this instructor bulletin please call the Office of School Transportation at 916 375-7100.