

Senate Bill 322

By: Senators Davenport of the 17th, Wicks of the 34th, Jones II of the 22nd, Jackson of the 41st, Parent of the 44th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 5 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to program weights and funding requirements, so as to require that the  
3 State Board of Education include instruction in the proper use of a school bus passenger  
4 restraint system within its program of safety instruction; to amend Part 6 of Article 1 of  
5 Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to equipment of  
6 school buses, so as to require that school buses be equipped with passenger restraint systems;  
7 to require that each school child wear a passenger restraint system in certain instances; to  
8 provide for an exception; to authorize a penalty; to provide for a definition; to provide for the  
9 promulgation of rules and regulations; to provide for related matters; to repeal conflicting  
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Part 5 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
14 relating to program weights and funding requirements, is amended by revising subsection (e)  
15 of Code Section 20-2-188, relating to student transportation, as follows:

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16 "(e) The State Board of Education shall establish and require adherence to minimum  
 17 specifications for vehicles used or contracted to be used by local units of administration for  
 18 transporting students, including a motor vehicle with a capacity of eight persons or less  
 19 operated and marked for the transportation of school children to and from school and  
 20 school related activities, taking into account the factors and circumstances set forth in  
 21 subsection (a) of this Code section, and shall establish and require adherence to minimum  
 22 standards and requirements respecting maintenance, repair, inspection, and use of such  
 23 vehicles and minimum qualifications for the drivers of such vehicles. ~~The state board~~ State  
 24 Board of Education shall require, monitor, and fund a program of safety instruction in the  
 25 practices of safe riding, which shall include instruction in the proper use of a school bus  
 26 passenger restraint system in accordance with Code Section 40-8-111, and emergency bus  
 27 evacuation drills for both school bus drivers and students riding school buses."

28

## SECTION 2.

29 Part 6 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated,  
 30 relating to equipment of school buses, is amended by revising Code Section 40-8-111,  
 31 relating to equipment generally, as follows:

32 "40-8-111.

33 (a) As used in this Code section, the term 'passenger restraint system' means:

34 (1) A type 2 seat belt assembly that is in compliance with Federal Motor Vehicle Safety  
 35 Standard 209 and with Federal Motor Vehicle Safety 210 as such standards were in effect  
 36 on the date the school bus was manufactured; or

37 (2) A type 2 lap and shoulder restraint system that is in compliance with Federal Motor  
 38 Vehicle Safety Standard 222.

39 ~~(a)(b)~~ Each school bus used for the transportation of school children in ~~the State of~~  
 40 ~~Georgia shall be in compliance with~~ this state shall comply with the provisions of this Code

41 section and the State Board of Education bus specifications for the model year of such  
42 school bus.

43 (c)(1) On and after July 1, 2027:

44 (A) Each school bus manufactured and used for the transportation of school children  
45 in this state shall be equipped with passenger restraint systems for each school child  
46 based upon the maximum passenger capacity of the school bus; and

47 (B) The State Board of Education shall require each school child to wear a passenger  
48 restraint system. Except as provided in paragraph (3) of this subsection, each such  
49 child shall wear a passenger restraint system at all times while the school bus is in  
50 motion.

51 (2) It shall be the responsibility of a school bus driver operating such school bus to  
52 ensure that each such child being transported is wearing a passenger restraint system prior  
53 to the school bus being placed into motion. A school child's parent or guardian shall not  
54 be held liable for such child's failure to wear a passenger restraint system in accordance  
55 with the provisions of subparagraph (c)(1)(B) of this Code section.

56 (3) A school child with a physically disabling condition or medical condition that  
57 prevents appropriate restraint in a passenger restraint system shall not be required to wear  
58 a passenger restraint system on a school bus; provided, however, that such child's  
59 physically disabling or medical condition is certified in writing by a licensed healthcare  
60 provider.

61 (b)(d) Each public school system shall be required to maintain each of its school buses in  
62 good working condition, including all safety equipment required in accordance with the  
63 specifications established pursuant to subsection (a) (b) of this Code section. A public  
64 school system that fails to comply with such specifications may be subject to a penalty to  
65 be determined by the State Board of Education.

66 ~~(c)~~(e) Nothing in subsection ~~(a)~~ (b) of this Code section shall apply to motor vehicles  
67 operated by a local transit system which transport school children to and from school on  
68 regular or scheduled routes of a transit vehicle with regular fare-paying passengers.

69 (f) The State Board of Education shall promulgate rules and regulations to implement the  
70 provisions of this Code section."

71 **SECTION 3.**

72 All laws and parts of laws in conflict with this Act are repealed.