

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 373**

Introduced by Hilkemann, 4.

Read first time January 15, 2015

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, 2016, 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 who  
6 is being transported to use a separate belt. The belts shall meet the  
7 standards under 49 C.F.R. 571.208, as such regulation existed on January  
8 1, 2015.

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, 2016, 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, as such regulation existed on January 1, 2015.

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

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

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

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

18 79-609 (1) The school board or board of education, after  
19 consultation with a member of the Nebraska State Patrol, shall determine  
20 the number of passengers that may be safely transported in each bus.

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

2 (4) Each passenger on a school bus that is equipped with lap belts,  
3 shoulder belts, or lap-shoulder belts shall be transported only in a  
4 designated seating position and shall wear such a belt, properly adjusted  
5 and 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 a belt or the misuse of such a belt  
10 by the injured passenger or another passenger.

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.