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RULE ADOPTIONS

Reporter

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Agency

TRANSPORTATION > MOTOR VEHICLE COMMISSION

Administrative Code Citation

Adopted Amendment: N.J.A.C. 13:20-50B.32

Text

Enforcement Service

Body Standards for School Buses

Proposed: February 4, 2019, at 51 N.J.R. 161(a).

Adopted: July 3, 2019, by the Motor Vehicle Commission, B. Sue Fulton, Chair and Chief Administrator.

Filed: July 5, 2019, as R.2019 d.082, without change.

Authority: N.J.S.A. 39:2-3, 39:2A-21, 39:2A-28, and 39:3B-10 and P.L. 2018, c. 118.

Effective Date: August 5, 2019.

Expiration Date: December 4, 2020.

Summary of Public Comments and Agency Responses:

The written comments received by the Motor Vehicle Commission (MVC) regarding its February 4, 2019, notice of proposal are available for inspection at the Office of the Chief Administrator, Motor Vehicle Commission, 225 East State Street, 9th Floor, Trenton, New Jersey.

[page=1282] COMMENT: Michael A. Vrancik, Director Governmental Relations, New Jersey School Boards Association stated that the proposed regulation does not provide any source of funds to meet the needs of the mandate. The commenter estimated that it may cost up to an additional \$ 20,000 per bus for the required Type 2 lap and shoulder belts. In addition to the direct increase in manufacturing costs, mandatory installation of lap and shoulder belts on all school buses is likely to reduce seating capacity on the vehicles. Consequently, school districts may have to purchase additional vehicles and hire more drivers to serve the same number of students. The commenter asks the MVC to identify a funding source to meet the costs of the requirement.

RESPONSE: The rule is promulgated in accordance with the statute enacted in 2018 (P.L. 2018, c. 118). According to the Legislative Fiscal Estimate, the marginal increase in cost to purchase a new school bus with lap and shoulder belts is approximately \$ 5,000 per school bus. Further, the Legislature considered the reduced seating capacity and the need for additional school buses and drivers and fuel costs in passing the legislation. The reduced seating capacity will depend on the configuration chosen by the school district and the selected route and the amount of congestion for those routes. Additionally, not all school buses will be purchased exclusively by school districts. Some buses will be purchased by private companies that supply school buses on a service contract basis.

Federal Standards Statement

The Federal standards for lap seat belts (known as Type 1) are governed by the same Federal regulations for the new shoulder and lap belts (known as Type 2), namely 49 CFR 571.208 (occupant crash protection), 571.209 (seat belt assemblies), 571.210 (seat belt assembly anchorages), and 571.222 (school bus passenger seating and crash protection), which are incorporated into the rules by reference. These amendments are being adopted pursuant to the enactment of P.L. 2018, c. 118, which imposed the installation of Type 2 seatbelts or other child restraint systems that are in conformity with applicable Federal standards in all school buses manufactured after February 21, 2019.

The legislation imposes a stricter standard than the corresponding Federal regulations, which require Type 2 shoulder and lap belts for school buses weighing less than 10,000 pounds. The legislation imposes the requirement for Type 2 belts to all school buses regardless of weight due to safety concerns for students expressed in the statute.

The State standard exceeds the Federal regulation because of the enactment of N.J.S.A. 39:3B-10, as well as the public policy goal of providing for the safety of children while being transported in a school bus. In the passage of the bill, the Legislature performed a financial analysis that determined that there would be an increase in cost in the manufacture of new school buses, but that the increased cost is abated by the lower costs resulting from a decrease in treating injuries.

Regulations

Full text of the adoption follows:

SUBCHAPTER 50B. BODY STANDARDS FOR SCHOOL BUSES

13:20-50B.32 Seat belts for driver and passengers

(a)-(b) (No change.)

(c) Every school bus as defined in N.J.S.A. 39:1-1 with a manufacturer date of October 1, 1992 through February 20, 2019, shall be equipped with either passenger Type 1 lap safety belts or Type 2 lap and shoulder safety belts, as defined in FMVSS (Federal Motor Vehicle Safety Standards) No. 209 (49 CFR 571.209) for each seat position. All school buses as defined in N.J.S.A. 39:1-1 manufactured on or after February 21, 2019, shall be equipped with a Type 2 lap and shoulder safety belt or other child restraint system that is in conformity with applicable Federal standards for each seat position. All seat belts and installation shall conform to FMVSS Nos. 208, 209, 210, and 222 (49 CFR 571.208, 571.209, 571.210, and 571.222), incorporated herein by reference, as amended and supplemented. If safety belt floor installation is used, attachment hardware shall be designed to prevent attaching bolts and other parts from becoming inadvertently disengaged from the floor of the school bus.

(d) (No change.)

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