

[Second Reprint]

ASSEMBLY, No. 1257

STATE OF NEW JERSEY
217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

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Assemblymen Caputo, Daniels, Chiaravalloti and Senator Beach

SYNOPSIS

Requires school bus transporting students using wheelchairs to be equipped with four-point securement system; requires school bus operator to secure students using wheelchairs.

CURRENT VERSION OF TEXT

As amended by the General Assembly on May 22, 2017.

(Sponsorship Updated As Of: 1/9/2018)

1 AN ACT concerning wheelchair securement on school buses,
 2 supplementing Title 39 of the Revised Statutes, and amending
 3 P.L.1992, c.92.

4
 5 **BE IT ENACTED** by the Senate and General Assembly of the State
 6 of New Jersey:

7
 8 1. (New section) In addition to the requirements established
 9 pursuant to the Federal Motor Vehicle Safety Standards, a school
 10 bus, as defined in R.S.39:1-1, that provides transportation for
 11 passengers using wheelchairs shall be equipped with appropriate
 12 four-point securement systems for each passenger using a
 13 wheelchair that is being transported on the school bus.

14 For the purposes of this act, “four-point securement system”
 15 means a complete four-point system that includes four wheelchair
 16 restraints to secure a wheelchair to the vehicle floor; a lap and
 17 shoulder belt that integrates to the rear wheelchair restraints; and
 18 floor anchorages installed in the vehicle floor.

19

20 2. Section 2 of P.L.1992, c.92 (C.39:3B-11) is amended to read
 21 as follows:

22 2. a. Beginning on September 1 of the second year next
 23 following the year of enactment of P.L.1992, c.92 (C.39:3B-10 et
 24 seq.), each passenger on a school bus which is equipped with seat
 25 belts shall wear a properly adjusted and fastened seat belt or other
 26 child restraint system that is in conformity with applicable federal
 27 standards at all times while the bus is in operation.

28 b. Beginning on September 1 of the second year next following
 29 the year of enactment of P.L. , c. (C.) (pending before the
 30 Legislature as this bill), ²‘a school bus that provides transportation
 31 for passengers using wheelchairs shall have an aide to assist the
 32 passengers, and¹’² a school bus operator ²‘or aide¹’² shall secure
 33 or cause to be secured a passenger using a wheelchair on a school
 34 bus equipped to transport passengers using wheelchairs using a
 35 properly adjusted and fastened four-point securement system in
 36 conformity with applicable federal standards and section 1 of
 37 P.L. , c. (C.) (pending before the Legislature as this bill) at
 38 all times while the bus is in operation.

39 c. Nothing in this section shall make the owner or operator of a
 40 school bus liable for failure to properly adjust and fasten a seat belt
 41 or other child restraint system or four-point securement system that
 42 is in conformity with applicable federal standards for a passenger
 43 who sustains injury as a direct result of the passenger's failure to

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted October 27, 2016.

²Assembly floor amendments adopted May 22, 2017.

1 comply with the requirement established by this section.
2 (cf: P.L.1992, c.92, s.2)

3

4 3. This act shall take effect immediately, but shall remain
5 inoperable until September 1 of the second year next following
6 enactment. The Chief Administrator of the New Jersey Motor
7 Vehicle Commission, in consultation with the Commissioner of
8 Education, may take anticipatory acts in advance of the operative
9 date as may be necessary for the timely implementation of this act.