

CHAPTER 349

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

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.39:3B-10.1 Securement systems for wheelchairs in school buses.

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

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

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

C.39:3B-11 Seat belts, child restraint systems, wheelchair securement systems, use required; liability.

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

b. Beginning on September 1 of the second year next following the year of enactment of P.L.2017, c.349 (C.39:3B-10.1 et al.), a school bus operator shall secure or cause to be secured a passenger using a wheelchair on a school bus equipped to transport passengers using wheelchairs using a properly adjusted and fastened four-point securement system in conformity with applicable federal standards and section 1 of P P.L.2017, c.349 (C.39:3B-10.1) at all times while the bus is in operation.

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

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

Approved January 16, 2018.