

## SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

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Date

Committee on Transportation.

After consideration on the merits, the Committee recommends the following:

SB09-029 be amended as follows:

1 Amend printed bill, page 2, strike lines 2 and 3 and substitute the  
2 following:

3 "SECTION 1. 42-4-237 (2), the introductory portion to 42-4-237  
4 (3), and 42-4-237 (7), Colorado Revised Statutes, are amended to read:";

5 line 13, strike "THE DRIVER SHALL MAKE A REASONABLE" and substitute  
6 "THE DRIVER OF A SCHOOL BUS SHALL BE IMMUNE FROM ANY PENALTY  
7 IMPOSED FOR A VIOLATION OF THIS PARAGRAPH (b) WHILE IN THE COURSE  
8 AND SCOPE OF THE DRIVER'S DUTIES.";

9 strike line 14.

10 after line 22, insert the following:

11 "(7) Evidence of failure to comply with the requirement of  
12 subsection (2) of this section shall be admissible to mitigate damages with  
13 respect to any person who was involved in a motor vehicle accident and  
14 who seeks in any subsequent litigation to recover damages for injuries  
15 resulting from the accident. Such mitigation shall be limited to awards  
16 for pain and suffering and shall not be used for limiting recovery of  
17 economic loss and medical payments. SUCH MITIGATION SHALL NOT  
18 APPLY TO ANY MINOR UNDER THE AGE OF EIGHTEEN WHO IS A PASSENGER  
19 IN A SCHOOL BUS."

20 Page 3, line 1, strike "**buses.**" and substitute "**buses - rules.**";



- 1 line 2, strike "(a)";
- 2 strike lines 7 through 11;
- 3 strike lines 16 through 18 and substitute the following:

4           "(3) THE DEPARTMENT OF EDUCATION SHALL PROMULGATE RULES  
5 REQUIRING SCHOOL BUS DRIVERS TO ATTEND ANNUAL SAFETY BELT  
6 SYSTEM TRAINING. THE TRAINING SHALL INCLUDE, WITHOUT LIMITATION,  
7 MANDATORY USE OF SCHOOL BUS SAFETY BELT SYSTEMS, ADJUSTING  
8 SAFETY BELT HEIGHT, AND BUCKLING AND UNBUCKLING A SAFETY BELT,  
9 WHICH SHALL BE SUPPLIED WITH THE GENERAL SCHOOL BUS TRAINING.  
10 THE DEPARTMENT OF EDUCATION SHALL PROMULGATE RULES REQUIRING  
11 SCHOOL BUS OPERATORS TO BIANNUALLY INSTRUCT PASSENGERS ON  
12 SAFETY BELT SYSTEM USAGE."

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