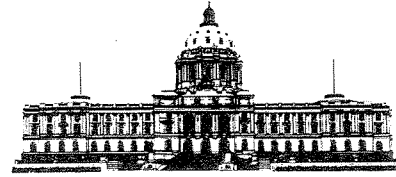


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Senate

State of Minnesota

August 18, 2009

Michael Campion, Commissioner
Department of Public Safety
445 Minnesota Street, Suite 1000
St. Paul, MN 55101

Dear Commissioner Campion:

I wanted to thank you and your staff for working towards a timely resolution of the issues surrounding Minnesota's new booster seat requirement (Chapter 82) and how it relates to school buses. Recently, a meeting was held involving representatives from various school bus associations, school bus operators, school districts, and Department of Public Safety staff. All parties brought forward their keen perspective as to current law, its applicability, past practices, and future opportunities to the discussion on this issue. Hearing Mr. Jordahl and Captain Urquhart speak added both credibility and insight to our efforts.

A complete and thorough discussion of Chapter 82 revealed several ambiguities in the way the Legislature crafted the booster seat legislation. At no time in our Transportation Committee did the issue of school buses in relation to this bill occur. We were working under the assumption that school buses would be exempt from these requirements. I believe that the legislative intent should prevail in this regard, but I do see how others might feel differently.

With that said, I do believe that all parties gathered agreed that the "for hire" exemption included in existing statute would exempt bus operators who contract their services to school districts from Chapter 82.

Further discussion revealed that only school buses with factory-installed seat belts were in the "gray area" and may require a booster seat to be used in conjunction with a lap or shoulder restraint system. As you know, modern school buses have safety protections built into them for passengers of all ages and body types. If we concluded that the booster seat law applied, we could be negating the safety design of the school bus.



There was also discussion around the inadmissibility of child restraint system use or non-use in personal injury court proceedings. Even with this issue being "closed" in court, the school bus operators and districts insisted that they still wanted to be in full compliance with Minnesota law and do what was right in regard to the safety of the students.

With all that was said at the meeting, I am very comfortable with the Department of Public Safety's decision not to attempt to enforce this law with regard to school buses. There is clearly a great deal of ambiguity in the wording used in this new law. I believe an acknowledgement from the Department that the law is unclear would do much to ease the minds of school bus operators and school districts. With the 2009 school year only weeks away, they are uneasy about the passenger safety and logistical ability in equipping school buses with booster seats, along with concerns surrounding the timely procurement and high costs of the specialized devices that would be needed.

It appears that lawmakers have some clean-up work to do to ensure that this law clearly reflects our legislative intent. I look forward to working with all involved for a timely and accurate resolve.

Sincerely,


Steve Murphy
State Senator