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ROAD SAFETY: WEARING OF SAFETY BELTS IN BUSES AND COACHES IN EUROPE

Report on the situation concerning the wearing of safety belts in buses and coaches in several European countries.

Please find attached a report on the current situation concerning the wearing of safety belts in buses and coaches in several European countries.

Additional information, comments or supplementary corrections from the Members are most welcome.

WEARING OF SAFETY BELTS IN BUSES AND COACHES IN EUROPE

(Situation: January 2008)

Austria

All coaches registered in Austria since October 1999 must be fitted with seat belts.

This requirement does not apply to older models; installing seat belts would be impractical, costly and technically difficult. It is not mandatory to wear a seat belt in buses with standing room.

The requirement to wear a seat belt also applies to coach drivers.

In accordance with Article 106 paragraph 4 of the law governing motor vehicles (Kraftfahrzeuggesetz), the driver is obligated, before departure, to draw passengers' attention to the requirement to wear a seat belt. The driver, however, is under no obligation to verify that passengers have actually fastened their belt. It is also difficult for the police to ensure compliance from outside the coach.

Drivers who fail to inform passengers are subject to a penalty in accordance with Article 134 of the law governing motor vehicles.

In Austria, buses do not have to be equipped with safety seats for children.

This regulation is fully consistent with road safety because children are safely restrained in the coach with a two-point belt (abdomen) and thus run no risk of being strangled – which is not the case in private cars with three-point belts.

Disabled persons can be transported in buses and coaches in a seated position in their wheelchair as long as the bus or coach has a place designated for that purpose and an appropriate support system with a headrest.

Belarus

In accordance with Article 23.1, Chapter 5 on "Responsibilities of passengers" of the Traffic Rules of Belarus, approved by the Presidential Decree No. 551 dated 28.11.2006 ("On measures aimed to improve the traffic safety"), a passenger shall wear safety belts while travelling in the mechanical vehicle equipped with safety belts.

This rule is applicable to the driver and all the passengers (adults and children), except for the passengers exempt from the obligation to wear safety belts on medical grounds.

Item 4 of Article 18.12 of the Republic of Belarus' Code on the administrative infringements No. 194-3, dated 21.04.2003, stipulates that "Driving the transport vehicle without wearing a safety belt or transporting passengers who are not wearing safety belts when safety belts are installed in the vehicle are penalised by a warning or a fine in the amount of one basic value". Currently the basic value in Belarus is 35,000 Belarusian rubles, which at the exchange rate currently established by the Republic of Belarus National Bank equals EUR 11.70.

"The mechanical transport vehicle" means the vehicle propelled by the engine.

Belgium

The Belgian highway code stipulates in Article 35.1.1 that the driver and passengers travelling in motor vehicles (this category also includes coaches and buses) must wear a seat belt in seats fitted with one.

Those persons who, for serious health reasons (such as a disability), possess an exemption from the Belgian Ministry of Communications or, if their official place of residence is abroad, from that country's relevant authority, are not required to wear a seat belt.

Effective 1 September 2006, all children under 18 years of age and less than 1.35 m in height must be transported with an appropriate child restraint system. This regulation, however, does not apply to vehicles with more than "8 + 1" seats, which includes class II and class III buses and coaches.

All vehicles in categories M2 and M3 and classes III and B registered for the first time as of 31 March 2003 must be fitted with a seat belt at every seat.

Each seat fitted with a seat belt on board of vehicles in categories M2 and M3 must display a clearly visible pictogram in accordance with the EU design.

The Minister of Transport responded as follows to a parliamentary question in the Belgian parliament about the responsibility for wearing a safety belt: "*The passenger is responsible for wearing a safety belt when he or she is of age. However, when children are being transported, the adults supervising the children, including teachers and drivers, must ensure that the safety belt is used by every child. They are under no obligation, however, to produce a specific result.*"

The Belgian highway code foresees an immediate imposition of a fine of EUR 50 for failure to comply with the requirement to wear a safety belt.

In addition to the pictogram requirement, the FBAA (Belgian bus and coach operators association) has produced a DVD with computer graphics that highlights the key on-board safety regulations, with a specific focus on the wearing of seat belts.

Bulgaria

Drivers and passengers (incl. children under three years old) in coaches are required to use the safety system and belts if coaches are equipped with them.

Exemptions:

- pregnant women;
- handicapped passengers;
- drivers of taxis, but only when they travel with passengers in built-up areas.
- instructors, when they are driving a vehicle for an educational purpose;

When seated in the vehicle, coach passengers shall be informed about the obligation to wear safety belts by:

- the driver;
- the leader of a tourist group;
- or by an audiovisual system.

In case the obligation to use a safety belt or safety system is not observed, everyone (passenger and driver) is liable before the law and has to pay a fine amounting to BGN 50.

Cyprus

As of September 2007, seat belts on buses and coaches have to be worn if fitted. All vehicles produced after September 2007 must be fitted with seat belts.

Czech Republic

1. Wearing of safety belts is obligatory for all passengers if the vehicle is moving and if the vehicle is equipped with belts. Passengers are responsible for complying with this provision. But the driver must inform passengers that they are obliged to wear belts. The driver is responsible for and must ensure the safe transport of passengers.

Exemptions: for health reasons with a written doctor's statement

2. Drivers are also obliged to wear safety belts if the vehicle is moving and if the vehicle is equipped with belts

Exemptions: reverse move, health reasons (with a written doctor's statement); emergency medical technicians, fire fighters, police officers or military personnel who need to leave their vehicle while on duty.

3. Children

- 3.1. In vehicles of category M1, N1, N2, N3, children under 150 cm and less than 36 kg must be transported in special car seats.

Exemptions: children in emergency services, military, police or rescue services vehicles if it is necessary to take care of them during transport. In city transport by taxi, children can be transported without special seats, but must be fastened by belts and cannot sit in the front seat.

- 3.2. In vehicles M1, N1, N2 or N3 children over 36 kg and over 150 cm must be fastened with belts if the vehicle is so equipped.
- 3.3. If a vehicle of classes M1, N1, N2 or N3 is not equipped with any restraint system, it is prohibited to transport children under 3 years. And it is prohibited to transport children under 150 cm in the seat next to the driver (co-driver's seat).
- 3.4. The driver must install the special car seat according to the manufacturer's instructions. Special seats must be approved by accredited organisation or the relevant ministry.

4. Handicapped passengers: exempted only with a doctor's statement.

5. Penalties – a fine of up to CZK 5,000.

Denmark

All passengers are obliged to wear a safety belt in a bus or coach if so equipped. There is an exemption for regularly scheduled service for trips under 100 km.

The passenger is responsible for wearing the safety belt.

For children younger than 12 years, the driver is responsible. Children under the age of 2 must use a special child restraint in addition to the belt.

The driver is responsible for the wearing of safety belts by handicapped persons.

Estonia

It is compulsory for passengers to wear a seat belt if the vehicle is equipped with them.

Finland

1. obligation of wearing belts by passengers and drivers: during driving, the driver and the passenger have to wear the installed safety belt in the seat or another safety device that holds them in place
2. children: when sitting in his/her own seat, s/he has to wear the safety belt installed in the seat or the children's safety device
3. exemptions: the obligation to wear a safety belt does not concern a person who is not able to use the safety belt or other safety devices due to serious health reasons (a doctor's certificate has to be shown if requested)
4. if the child's caretaker does not accompany the child, the driver is in charge and must ensure that a child under 15 years is wearing the safety belt (this does not concern large buses of class M3)
5. the passenger is liable if not wearing a belt (except children under 15 years when travelling in a minibus)
6. the penalty is an on-the-spot fine of EUR 35

Industry initiatives:

LAL has delivered 20,000 safety belt stickers (Tarraleiska suomiruotsi) to bus companies.

A Goodwill JULISTE-campaign was organised at bus stations.

A Goodwill ESITE was given to passengers (one-month campaign).

France

Decree 2003-637 requires that a coach driver wear his or her seat belt at all times whilst driving in France. Drivers caught not wearing a seat belt are subject to a EUR 135 fine and penalty points on their licence.

Individual coach passengers, including children, are also required to use seat belts and can be fined EUR 135 for non-compliance when seats are fitted with belts and they are not being worn. In the case of school groups, it is the teacher who would be fined.

The legislation applies both to French coaches and those from other countries. Coach drivers and group leaders are required to remind passengers of their legal obligation to use seat belts where fitted.

Children whose weight and height do not allow the wearing of a belt are not obliged to wear one. Special child restraint systems are not mandatory in buses or coaches.

People with a special permit are also exempted from wearing the belt.

The three-for-two rule is abolished in all vehicles equipped with belts.

Germany

All coaches registered in Germany since October 1999 must be fitted with seat belts.

This requirement does not apply to older models; installing seat belts would be impractical, costly and technically difficult. It is not mandatory to wear a seat belt in buses with standing room (Article 21, 1st paragraph of the highway code, StVO).

The requirement to wear a seat belt also applies to coach drivers.

In accordance with Article 8, paragraph 2, subparagraph 2 of the BOKraft, the driver is obligated, before departure, to draw passengers' attention to the requirement to wear a seat belt. The driver, however, is under no obligation to verify that passengers have actually fastened their belt. It is also difficult for the police to ensure compliance from outside the coach.

Drivers who fail to inform passengers are subject to a fine in accordance with Article 45, paragraph 2, point 1 of the BOKraft.

In Germany, buses do not have to be equipped with safety seats for children.

This regulation is fully consistent with road safety because children are safely restrained in the coach with a two-point belt (abdomen) and thus run no risk of being strangled – which is not the case in private cars with three-point belts.

Disabled persons can be transported in buses and coaches in a seated position in their wheelchair as long as the bus or coach has a place designated for that purpose and an appropriate support system with a headrest.

Italy

Passengers and drivers are obliged to wear safety belts in vehicles < 3.5 tons. It has now been extended to vehicles >3.5 tons. The passenger is responsible for wearing the seat belt. The driver is responsible for children younger than 12 years who are not accompanied by an adult.

There is no specific law governing the use of car seats.

Lithuania

1. It is obligatory to wear seat belts in a motor vehicle if the vehicle is equipped with belts. If a coach is equipped with safety belts, in front of each seat, on the seat or near it in a visible place, there must be an information sign saying "Fasten seat belt". In the absence of this information sign, the coach driver must orally inform the passengers about the obligation to wear safety belts before setting off.
2. It is permissible not to wear seat belts in the following cases:
 - 2.1 for taxi drivers while transporting passengers;
 - 2.2 while backing up or driving in car parks;
3. Children under 12 years and under 150 cm may be transported in the front seat of a car or coach or in a truck cab only in special car seats fitted to children's height and weight.
4. Penalties - fine of Litas 100-200.

Luxembourg

New legislation that might include the following provisions is about to be adopted in Luxembourg:

- **Wearing of seat belts by passengers : requirement or exemption**

The future legislation is expected to stipulate that the use of seat belts will be mandatory for all passengers travelling in buses and coaches fitted with belts, with the exception of intra-urban transport, which will be exempt from this requirement.

- **Wearing of seat belts by drivers: requirement or exemption**

Bus drivers should always wear a seat belt regardless of the type of bus used.

- **Wearing of seat belts by children**

At the present time, there are no plans to introduce legislation specifically governing the transport of children under 3 years of age in buses and coaches.

- **Provisions regarding disabled passengers**

Persons with reduced mobility transported in a wheelchair would not be required to wear a seat belt, but would use the specific systems designed for this purpose.

- **Wearing of seat belt: exemptions**

The only exemption would concern those persons who are exempt from wearing a seat belt for serious health reasons as well as persons of reduced mobility transported in a wheelchair.

- **Liability**

Adult passengers would be responsible for wearing a seat belt but there would be no specific provision for minors. Instead, the government would try to involve towns and schools in public awareness campaigns. Drivers would be responsible for wearing their own safety belt.

- **Penalties**

Drivers failing to comply with the safety belt requirement would be subject to a warning, a fine of EUR 49, and one penalty point on their driver's license. Adult passengers would pay the same fine but would not receive any penalty points.

Netherlands

Wearing of belts by passengers: in coaches equipped with seat belts, passengers are obliged by law to wear them. (Most coaches dating from before 1997/1999 only have belts on the "most dangerous seats" – for example, the front seat).

Wearing of belts by drivers: all professional drivers are obliged by law to wear seat belts, with the exception of professional drivers who have to handle large amounts of cash. This exemption was intended for taxi drivers, but in theory coach drivers in some cases (for example: a day trip to be paid directly to the driver) could use this exemption. KNV Bus advises its members to instruct their drivers to always wear their belts.

Wearing of belts by children: in the Netherlands, children younger than 12 years or shorter than 135 cm have to use special seats and restraints. However, an exemption is made for incidental professional transport. (Incidental transport = day trip to the zoo, holiday trip, etc. Regular transport = daily transport to school). Every person aged 4 or older has the right to his/her own seat, but children younger than 4 years don't count as passengers and may travel on the lap of their parents or an accompanying adult.

Handicapped passengers: (answer limited to handicapped persons in wheelchairs) When a handicapped person is transported in a wheelchair, the wheelchair has to be secured by means of certified restraints and the handicapped person has to be secured by certified restraints/belts in the coach (not the wheelchair). The driver is responsible for the safe transport of this passenger.

Exemptions: public transport is exempted from the obligation to provide belts for passengers. The Netherlands has not made it mandatory to retrofit older coaches with seat belts. Therefore, in older coaches (approximately 50% of the coaches), belts are only available on a limited number of seats.

There are no other **special** rules or exemptions for the wearing of safety belts. (Pregnant women are allowed to use three-point belts and two-point belts).

Liability: the coach company/coach driver/tour guide are responsible for informing the passengers about the obligation to wear seat belts. They can inform the passengers by means of special stickers, a safety announcement or the use of audio equipment (CD, DVD, video, etc.). After this information has been given, passengers aged 14 years and older are individually responsible for wearing the belt. For passengers aged 13 years and younger, the driver is legally liable.

Penalties: it is very difficult for the police and other authorities to penalise passengers for breaking the law. According to Dutch law, the belts must be worn while the vehicle is moving. As soon as the coach is stopped (e.g. by the police), passengers can claim that the vehicle is not moving. For control authorities driving in a regular car, it is very difficult to check the wearing of belts by passengers; only the driver is easily checked because of the lower position of his seat. The fine is approximately EUR 60.

Accidents: When a coach is involved in a traffic accident and a passenger is injured because he didn't wear his belt, there is a serious possibility that an insurance company will investigate the situation. Did the company/driver give the right instructions (you are obliged to wear your belt, etc.)? If not, insurers can hold the company partly responsible for the damage.

Best practices: On behalf of KNV Bus, ANVR (tour operators) and RAI (coach builders and importers) Stichting BUS provides safety materials to the Dutch coach industry. Most coaches provide safety instruction cards and special stickers and, since 2006, Stichting BUS has handed out almost 3000 copies of a special animated instruction movie on DVD and VHS. In addition, Stichting Keurmerk Touringcarbedrijf (SKT, Dutch Coach Marque) advertises in many key publications (magazines for school holidays; school trips; day trips, etc). In these advertisements, SKT always gives advice on safety, such as the importance of wearing seat belts and not walking in moving coaches.

Romania

During transport on public roads, both in and outside localities, drivers and passengers must wear a seat belt if the vehicle is so equipped.

- Children under 12 years old or less than 150 cm tall must wear safety belts fitted to their weight and dimensions, and those under 3 years must be transported only with approved child restraint systems.
- exempted from wearing a safety belt inside localities are:
 - car drivers while backing up or parking;
 - visibly pregnant women;
 - taxi drivers, while transporting passengers;
 - persons with a medical certificate stating the reason which prevents them from wearing a safety belt;
 - driving instructors, while training students learning to drive a vehicle on public roads or examiners of the competent authority while performing practical tests required for obtaining a driver's license;

The driver's or passenger's failure to comply with the obligation to wear the safety belt is considered an offence and is sanctioned by law.

Both the driver and the passenger are responsible for wearing the belt. The driver is responsible for children wearing belts.

Best practices:

UNTRR has published a brochure regarding the application standards of the new Romanian highway code. It has also translated, published and distributed IRU safety checklists for professional drivers in collaboration with Romanian Ministry of Transport and has added the Romanian Ministry of Transport's logo to the IRU's and UNTRR's logos. UNTRR considers that these checklists are a useful tool for promoting road safety (including the wearing of safety belts) and the support provided by the Romanian Ministry of Transport is expected to draw further attention to this issue.

Poland

In Poland it is obligatory to wear belts in all motor vehicles (cars, buses, coaches, trailers) which are equipped with seat belts for the driver and passengers.

Children under 12 years or less than 150 cm in height occupying motor vehicles with safety belts shall be restrained by an integral or non-integral child-resistant system suitable for the child's mass. Children may not be transported using a rearward-facing child-restraint system in a passenger seat protected by a front air bag unless the air bag is automatically and appropriately deactivated.

Handicapped passengers are responsible for wearing belts if they are transported on a stretcher or in a wheelchair.

There are no special rules for wearing belts in Poland but there are some exemptions. The following persons are not required to wear belts:

- persons with a doctor's certificate stating they cannot wear a seat belt on medical grounds
- women in an advanced stage of pregnancy
- taxi drivers while transporting passengers
- instructors in special vehicles while giving driving lessons
- policeman, soldiers
- medical staff in ambulances.

Failure to wear a seat belt is punishable by a fine of PLN 100.

A passenger's failure to wear a belt is punishable by a fine of PLN 100.

Transporting children without using a child-restraint system is punishable by a fine of PLN 50.

Transporting children using a rearward-facing child-restraint system in a passenger seat protected by a front air bag is punishable by a fine of PLN 150.

Sweden**Passengers**

If a bus or a coach is equipped with seat belts, passengers are obliged to use a seat with seat belt and use the belt, if such a seat is available.

Children

If a bus or a coach is equipped with seat belts, children over 3 years are obliged to use a seat with seat belt and use the belt, if such a seat is available. No obligation for children between 0 and 3 years of age.

Drivers

If a bus or a coach is equipped with a seat belt, the driver must use the seat belt.

Disabled passengers

Passengers who travel in a wheelchair are obliged to use wheelchair area and use a seat belt if the bus or coach is equipped with a seat belt.

Special rules/cases

The Swedish legislation states that in local transport in densely built-up areas there is no obligation to use a seat equipped with a seat belt.

Liability

Passengers over 15 years of age are responsible for wearing a seat belt. The driver is liable for passengers up to age 15. The Swedish legislation states that bus and coach passengers should be informed about the obligation of wearing seat belts in at least one of the following four ways:

- By the driver
- By on-board personnel, an accompanying person or a group leader
- By audiovisual information or an automatic bus-stop information system
- By a symbol (pictogram) or sign placed at every seat

BR recommends that at least two of these four ways should be used. According to our research, we have determined that if the driver informs passengers about seat belts, their use of seat belts increases from 15-20 percent to 70-80 percent.

The Swedish act also states that a bus or coach driver should ensure that passengers under 15 years use seat belts or other restraints. The driver should also help passengers in wheelchairs position the wheelchair correctly.

Penalties

Passengers over 15 years of age and drivers who do not use seat belts are fined SEK 1,500. If it can be proven that a bus or coach driver hasn't made any effort to apprise passengers of the law, he she could be fined up to SEK 2,500. Drivers in regular transport are exempted.

Campaigns

BR, together with the Swedish Public Transport Association and the Swedish Road Administration, launched a campaign in 2003. We have a website, www.bussbalte.nu, with FAQ and information material, such as folders, posters and stickers.

Since 1999, BR has offered an information package about Bus and Coach Safety. The package contains a DVD or video, seat pocket folders, safety guidelines, etc.

BR also works with consumer organisations to create common policies and agreements for bus and coach transport.

Switzerland

In vehicles fitted with seat belts, the driver and passengers must wear the existing belts during the trip.

Exemptions from the requirement to wear a safety belt:

- (a) Persons who, upon presentation of a doctor's certificate, prove that they cannot be required to wear a safety belt. For trips abroad, the cantonal authority provides these persons with a medical certificate of exemption in accordance with directive 2003/20/EC.

- (b) delivery people going from house to house in the neighbourhood they service on condition that their speed does not exceed 25 km an hour;
- (c) drivers and passengers travelling on rural and forest roads and within the confines of a company's property on condition that their speed does not exceed 25 km an hour;
- (d) drivers who manoeuvre by driving at a walking pace;
- (e) drivers and passengers of motor vehicles used for regional transport and operated according to a schedule by licensed transport companies;
- (f) people accompanying individuals requiring special assistance in medical vehicles and in vehicles that transport disabled persons

It is important to attract the attention of coach and minibus passengers to the requirement to wear a seat belt.

In seats fitted with seat belts, except on seats specially designated for children, children under the age of 7 must be secured with a child restraint device (e.g., car seat) approved by ECE regulation No. 4423. Children between the ages of 7 and 12 must be secured by either a child restraint device or the existing seat belts.

United Kingdom

Passengers, from their 14th birthday, must wear belts when they are sitting in a seat that has one. There are no rules (yet) for under-14s. This does not prevent passengers leaving their seat, for example to visit an on-board toilet.

All passengers are exempt from wearing seat belts where a bus or coach is certified to carry standing passengers, or where it is used to operate a local service AND the entire route is on "restricted roads" in a built-up area (30 mph, or lower, speed limit).

Drivers must wear belts when they are sitting in a seat that has one.

Handicapped passengers enjoy no exemptions from the requirements. Where handicapped people are carried in wheelchairs on a coach (M3), there must be suitable equipment for securing the chair and the passenger.

Liability: Operators / drivers are responsible for putting signs on vehicles or making announcements / showing a DVD to make passengers aware that belts must be worn. Drivers are not required to check that passengers are actually wearing belts; this is the direct responsibility of the passengers themselves.

Penalties: Drivers and passengers failing to wear a belt usually get a fixed penalty of GBP 30, but it is technically possible to be fined up to GBP 500.

Good Practice: CPT has produced a DVD and audio CD of customer safety information which can be "customised" to members' requirements if required.
