

## FACT SHEET FOR ADVERTISING ON SCHOOL BUSES

**Senate Bill 1588** Amends the Vehicle Code to allow advertising on school buses.

Current Status of Bill: Referred back to Senate Rules Committee

### CONS: POTENTIAL SAFETY HAZARDS

- Advertising is designed to catch the attention of passing motorists
- Advertising **changes the definite and identifiable physical features that make the school bus 'sacred': distinctive school bus yellow color**; unique flashing warning lamp systems; stop signal arm; front safety crossing gate; yellow reflective tape around emergency exits.
- These distinctive features send a message to motorists that children are present and extreme caution is required.
- Approximately 2 million dollars have been spent in the past three years to put additional safety equipment on school buses (school bus crossing arm and yellow reflective tape around emergency exits).
- Advertising will mar the distinctive safety features.
- Driver inattention and distraction cause motor vehicle crashes—definitive causal factor in the percentage of crashes.
- **Adding advertising to the school bus sets a dangerous precedent.**

### CONTENT AND POTENTIAL LEGAL ISSUES

- **First Amendment** issues—**Freedom of Speech**—limited public forum.
- Difficult, impossible, or legally expensive to control the types of advertising on school buses.
- **Unlike television on radio programming or advertising that is inappropriate, a school bus billboard cannot be turned off.**
- Assumption that all other means have been exhausted before selling advertising on school buses.
- Any device(s) used for securing advertisements must be designed to prevent the snagging of children's clothing, backpacks, or other items.
- Revenue generated from advertising does not equal anticipated revenue.
- **No amount of revenue generated from advertising on school buses can justify the loss of one child due to driver distraction. The safety of students must come first.**

It should be noted that "although there are no reported cases in the United States involving a school bus and commercial speech, there is sufficient case law involving analogous situations where school districts created limited public forums for protected speech and nonpublic forums for certain speech which the school district's were unable to restrict or control despite the school district's opposition to the content and viewpoint being expressed." (excerpted from State School Bus Committee, Legal Opinion, Indiana Department of Education)

