



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

GOV. MSG. NO. **705**

June 6, 2006

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

This is to inform you that on June 6, 2006, the following bill was signed into law:

SB427 SD1 HD1 CD1

A BILL FOR AN ACT RELATING TO
CHILD PASSENGER SAFETY.
(ACT 175)

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Aiona, Jr.", written over a faint, larger version of the same signature.

JAMES R. AIONA, JR.
Acting Governor

JAMES R. AIONA JR.

THE SENATE
TWENTY-THIRD LEGISLATURE, 2005
STATE OF HAWAII

S.B. NO. 427
S.D. 1
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO CHILD PASSENGER SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that while great strides
2 have been made to protect infants and toddlers in motor vehicle
3 crashes, preschoolers and young children under eight years of
4 age remain at high risk of injury. These youngsters are often
5 placed in standard adult safety belts that can cause internal
6 injuries and death for children in a car crash. The legislature
7 further finds that seat belts are designed for older children
8 and adults, not for children in this age group whose size and
9 physical development make seat belts less effective and, in some
10 cases, unsafe. The legislature further finds that in Hawaii,
11 although it is legal for children between the ages of four and
12 eight to ride restrained with seat belts, this practice exposes
13 these children to unnecessary risk.

14 The purpose of this Act is to increase the safety of
15 Hawaii's children by amending Hawaii's child passenger restraint
16 law to require children four years of age or older but less than
17 eight years of age, and under certain weight and height



1 minimums, to be properly secured in a child safety or booster
2 seat.

3 SECTION 2. Section 291-11.5, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By amending subsection (a) to read:

6 "(a) Except as otherwise provided in this section, no
7 person operating a motor vehicle on a public highway in the
8 State shall transport a child under [~~four~~] eight years of age
9 [~~unless~~] except under the following circumstances:

10 (1) If the child is under four years of age, the person
11 operating the motor vehicle [~~ensures~~] shall ensure
12 that the child is properly restrained in a child
13 passenger restraint system [~~approved by the United~~
14 States Department of Transportation] that meets
15 federal motor vehicle safety standards at the time of
16 its manufacture[+]; or

17 (2) If the child is four years of age or older but less
18 than eight years of age, the person operating the
19 motor vehicle shall ensure that the child is properly
20 restrained in a child safety seat or booster seat that
21 meets federal motor vehicle safety standards at the



1 time of its manufacture; except as provided in
2 paragraph (3); and
3 (3) If the child is four years of age or older but less
4 than eight years of age, the person operating the
5 motor vehicle shall be exempt from properly
6 restraining the child in a child safety seat or
7 booster seat that meets federal motor vehicle safety
8 standards at the time of manufacture if the child is
9 restrained by a seat belt assembly and:
10 (A) Over four feet and nine inches in height; or
11 (B) Over forty pounds and traveling in a motor
12 vehicle equipped only with lap belts, without
13 shoulder straps, in the back seat."

14 2. By amending subsections (c) and (d) to read:

15 "(c) This section shall not apply if the number of persons
16 in a vehicle exceeds the greater of the following:

17 (1) The number of seat belt assemblies available in the
18 vehicle; or

19 (2) The number of seat belt assemblies originally
20 installed in the vehicle;

21 provided that all available seat belt assemblies are being used
22 to restrain a passenger, and those children not restrained by an

1 approved child passenger restraint system, a child safety seat,
2 a booster seat, or a seat belt assembly are in the back seat of
3 the motor vehicle.

4 (d) In no event shall failure [~~of~~] to restrain a child
5 under the age of [~~four~~] eight years [~~to be restrained or failure~~
6 ~~to restrain such a child in a child passenger restraint system~~
7 ~~or a seat belt assembly~~] as required by this section be
8 considered [~~as~~] contributory negligence, comparative negligence,
9 or negligence per se."

10 3. By amending subsection (f) to read as follows:

11 "(f) As used in this section [~~, "emergency"~~]:
12 "Emergency vehicle", "mass transit vehicle", [~~and~~]
13 "restrained", and "seat belt assembly" shall have the same
14 meaning as provided in section 291-11.6.

15 [~~As used in this section, "commercial"~~] "Commercial vehicle"
16 shall be defined as any motor vehicle that is being used for the
17 transportation of persons for hire, compensation, or profit."

18 SECTION 3. Section 291-11.6, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) Except as otherwise provided by law, no person:

21 (1) Shall operate a motor vehicle upon any public highway
22 unless the person is restrained by a seat belt



1 assembly and [~~any~~] all passengers in the front or back
2 seat of the motor vehicle are restrained by a seat
3 belt assembly if between the ages of [~~four~~] eight and
4 fourteen, or are restrained pursuant to section
5 291-11.5 if under [~~the age of four~~] eight years of
6 age;

7 (2) If fifteen years of age or more shall be a passenger
8 in the front seat of a motor vehicle being operated
9 upon any public highway unless such person is
10 restrained by a seat belt assembly; and

11 (3) If between the ages of fifteen and seventeen, shall be
12 a passenger in the back seat of a motor vehicle being
13 operated upon any public highway unless such person is
14 restrained by a seat belt assembly.

15 As used in this section [~~"seat belt assembly"~~]:

16 "Restrained" means that the seat belt assembly is worn as
17 it was designed and intended to be worn.

18 "Seat belt assembly" means the seat belt assembly that is
19 required to be in the motor vehicle under any federal motor
20 vehicle safety standard issued pursuant to Public Law 89-563,
21 the [~~federal~~] National Traffic and Motor Vehicle Safety Act of
22 1966, as amended, unless original replacement seat belt

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



President of the Senate

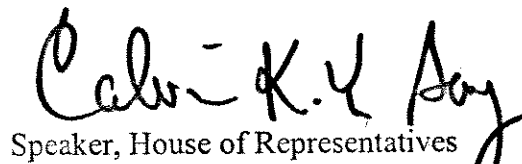


Clerk of the Senate

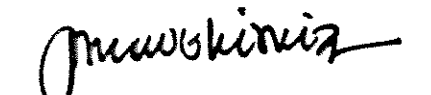
**THE HOUSE OF REPRESENTATIVES
OF THE STATE OF HAWAII**

Date: May 2, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



Speaker, House of Representatives



Clerk, House of Representatives