
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 adding a new subsection (f) to read as follows:

11 "(f) As used in this section, "seat belt assembly" and
12 "restrained" shall have the same meaning as defined in section
13 291-11.6."

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

16 "(a) Except as otherwise provided by law, no person:
17 (1) Shall operate a motor vehicle upon any public highway
18 unless the person is restrained by a seat belt
19 assembly and [~~any~~] all passengers in the front or back
20 seat of the motor vehicle are restrained by a seat
21 belt assembly if between the ages of [~~four~~] eight and
22 fourteen, or are restrained pursuant to section



1 291-11.5 if under [~~the age of four,~~] eight years of
2 age;

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

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

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

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

14 "Seat belt assembly" means the seat belt assembly that is
15 required to be in the motor vehicle under any federal motor
16 vehicle safety standard issued pursuant to Public Law 89-563,
17 the [~~federal~~] National Traffic and Motor Vehicle Safety Act of
18 1966, as amended, unless original replacement seat belt
19 assemblies are not readily available. If replacement assemblies
20 are not readily available, seat belts of federally approved
21 materials with similar protective characteristics may be used.
22 Such replacement seat belt assemblies shall be permanently



1 marked by the belt manufacturer indicating compliance with all
2 applicable federal standards."

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on January 1, 2007.



Report Title:

Child Passenger Safety Seats; Mandatory Use

Description:

Requires child safety seat or booster seat usage for children over four years by less than eight years old; defines "restrained". (SB427 HD1)

