
A BILL FOR AN ACT

RELATING TO SCHOOL BUSES.

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

1 SECTION 1. The legislature finds that seat belts provide a
2 measure of safety in motor vehicle accidents. However, while
3 Hawaii law requires drivers and passengers of certain ages to
4 use seat belts in motor vehicles for safety reasons, most
5 children transported by school buses in this State do not have
6 that option, since seat belts are not available on school buses.

7 Although bus safety has improved since the adoption in 1977
8 of federal standards for school bus passenger safety and crash
9 protection, there are still thousands of injuries to children
10 throughout the country each year due to school bus accidents.
11 Students suffer both minor and serious injuries to their head,
12 neck, back, and stomach when striking the roof, windows, seat
13 backs, and other students in crashes.

14 Despite requirements for passenger cars, light trucks, and
15 vans to have seat belts at all designated seating positions,
16 federal laws do not require seat belts on large school buses,
17 which have a gross vehicle weight rating of more than ten
18 thousand pounds, the standard weight of a large school bus.



1 Opponents of seat belts on large schools buses believe that
2 strong, well-padded, energy absorbing seats and higher seat
3 backs that "compartmentalize" and protect passengers during a
4 crash provide adequate safety features.

5 However, a comprehensive, in-depth study done in 1989 by
6 the Transportation Research Board found that seat belts can
7 provide additional crash protection on compartmentalized school
8 buses. Another study by the National Highway Traffic Safety
9 Administration found that approximately one-third of the fatal
10 crashes between 1977 and 1992 were non-frontal crash types that
11 compartmentalization is not designed for.

12 Most fatalities on school buses occur in rollovers, where a
13 lap belt would be the most effective in curbing injuries. Crash
14 test and case study data also indicate that seat belts provide
15 improved crash protection and are beneficial especially in side-
16 impact and rollover bus accidents.

17 In addition to safety, seat belts provide another important
18 benefit, namely, educating children as to their use and
19 reinforcing seat belt educational messages reminding children to
20 use seat belts in cars. The use of seat belts can also provide
21 a reduction in injuries to out-of-position students kept in
22 their seats by seat belts. The use of seat belts can also lead



1 to improvements in passenger behavior and lessen distractions to
2 drivers.

3 While current federal safety standards do not require a
4 school bus having a gross vehicle weight rating of more than ten
5 thousand pounds to be equipped with passenger safety belts,
6 states or political subdivisions such as school districts that
7 procure school buses for their own use may require and equip
8 their buses to meet a higher safety standard than that
9 established under federal law. To date, only five states
10 require seat belts on large school buses: California, Florida,
11 Louisiana, New Jersey, and New York.

12 The purpose of this Act is to require public and private
13 elementary school children to wear seat belts on school buses,
14 and to require all state contracted school buses to be fitted
15 with seat belts after July 1, 2006.

16 SECTION 2. Chapter 103D, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 **"§103D- Procurement of school bus vehicles; seat belts.**

20 All school buses purchased by the State after July 1, 2006,
21 shall be fitted with seat belt assemblies as defined in section
22 291-11.6(a)."



1 SECTION 3. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to part II, subpart C, to be
3 appropriately designated and to read as follows:

4 **"§302A- Seat belts required on school buses; civil**
5 **penalty.** (a) The term "seat belt assembly" has the same
6 meaning as provided in section 291-11.6(a).

7 (b) After July 1, 2006, every school bus used to carry
8 public or private elementary school students upon any public
9 highway shall be equipped with seat belt assemblies for all
10 passenger seats. Every public or private elementary school
11 student on any school bus shall wear a properly adjusted and
12 fastened seat belt assembly while the school bus is in motion.
13 The operator of any school bus shall require each school bus
14 passenger to comply with this section.

15 (c) Any person who violates this section shall be subject
16 to a civil penalty of not more than \$ for each violation.

17 (d) A police officer shall not stop or issue a citation to
18 a person operating a school bus on a public highway for a
19 violation of this section unless the officer has reasonable
20 cause to believe that there is another alleged violation of a
21 motor vehicle law of this State.



1 (e) If the driver of any school bus is found responsible
2 for a civil violation under this section, no state or county
3 department or agency may consider the violation for the purpose
4 of determining whether the person's driver's license should be
5 suspended or revoked.

6 (f) An insurer shall not consider a civil violation under
7 this section as a traffic violation against the person for the
8 purposes of establishing rates for motor vehicle liability
9 insurance or determining the insurability of the person. An
10 insurer shall not cancel or refuse to renew any policy of
11 insurance for a violation of this section.

12 (g) This section shall not apply to a child who provides
13 to the school's principal a written statement from a physician
14 licensed to practice in this State that the child is unable for
15 medical or psychological reasons to wear a seat belt."

16 SECTION 4. Section 291-11.6, Hawaii Revised Statutes, is
17 amended by amending subsections (a) and (b) to read as follows:

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

19 (1) Shall operate a motor vehicle upon any public highway
20 unless the person is restrained by a seat belt
21 assembly and any passengers in the front or back seat
22 of the motor vehicle are restrained by a seat belt



1 assembly if between the ages of four and fourteen, or
2 are restrained pursuant to section 291-11.5 if under
3 the age of four;

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

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

12 (4) Shall operate a school bus carrying public or private
13 elementary school students upon any public highway
14 unless those students are restrained by seat belt
15 assemblies pursuant to section 302A- .

16 As used in this section, "seat belt assembly" means the
17 seat belt assembly required to be in the motor vehicle under any
18 federal motor vehicle safety standard issued pursuant to Public
19 Law 89-563, the ~~federal~~ National Traffic and Motor Vehicle
20 Safety Act of 1966, as amended, unless original replacement seat
21 belt assemblies are not readily available. If replacement
22 assemblies are not readily available, seat belts of federally



1 approved materials with similar protective characteristics may
2 be used. Such replacement seat belt assemblies shall be
3 permanently marked by the belt manufacturer indicating
4 compliance with all applicable federal standards.

5 (b) The passengers of the following motor vehicles shall
6 be exempt from the requirements of this section: emergency and
7 mass transit vehicles. Further exemptions from this section may
8 be established by rules adopted by the department of
9 transportation pursuant to chapter 91.

10 As used in this section, unless the context otherwise
11 requires:

12 "Emergency vehicle" means an ambulance, a firefighting or
13 rescue vehicle, or a police vehicle while on duty.

14 "Mass transit vehicle" means a bus, [~~including a school~~
15 ~~bus~~] (but excluding a school bus, charter bus, or sightseeing
16 service bus) with a gross vehicle weight rating that is over
17 [~~10,000~~] ten thousand pounds, whether publicly or privately
18 owned, [~~which~~] that provides service to the general public or
19 provides special service on a regular or continuing basis."

20 SECTION 5. Section 302A-406, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) The department may provide suitable transportation to
2 and from school and for educational field trips for all children
3 in grades kindergarten to twelve and in special education
4 classes~~[-]~~; provided that no school bus may carry public or
5 private elementary school students upon any public highway
6 unless those students are restrained by seat belt assemblies
7 pursuant to section 302A- . The department shall adopt such
8 policy, procedure, and program as it deems necessary to provide
9 suitable transportation. In formulating the policy, procedure,
10 and program, the department shall consider ~~[the]~~:

- 11 (1) The school district; ~~[the]~~
12 (2) The school attendance area in which a school child
13 normally resides; ~~[the]~~
14 (3) The distance the school child lives from the school;
15 ~~[the]~~
16 (4) The availability of public carriers or other means of
17 transportation; ~~[the]~~
18 (5) The frequency, regularity, and availability of public
19 transportation; and ~~the~~
20 (6) The grade level, physical ~~[handicap]~~ disability, or
21 special learning disability of a school child~~[-and~~
22 ~~it]~~.



1 The department may also consider such conditions and
2 circumstances unique or peculiar to a county or area."

3 SECTION 6. Section 302A-407, Hawaii Revised Statutes, is
4 amended as follows:

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

6 "(a) Any other law to the contrary notwithstanding, except
7 as provided in subsection (e), school bus contracts between the
8 State and a private contractor may be extended for two years by
9 mutual agreement; provided that the parties may agree to extend
10 the contract for an additional two years thereafter. The
11 compensation due to the contractor by the State for each
12 extended year may be increased by an amount not to exceed five
13 per cent of the previous year's compensation. In addition, the
14 compensation due to the contractor by the State for any original
15 or extended contract year may be increased by a reasonable
16 amount for unanticipated inflationary increases in the cost of
17 fuel. If the original contract between the State and a private
18 contractor already includes an option to extend the contract
19 period, this subsection shall apply after the contract option is
20 exercised."

21 2. By amending subsection (e) to read:



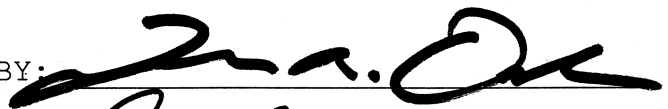
1 "(e) The contract between the State and the contractor
2 shall include a provision requiring the contractor to equip the
3 contractor's vehicles with the signs and visual signals
4 described in section 291C-95(d) and (g). Any contract between
5 the State and the contractor negotiated or extended after
6 July 1, 2006, shall also include a provision requiring the
7 contractor to equip the contractor's vehicles with a seat belt
8 assembly for each seat in the vehicle. The term "seat belt
9 assembly" has the same meaning as provided in section
10 291-11.6(a). The contract shall also include other provisions
11 as may be deemed necessary by the State for the safety of school
12 bus passengers and shall include provisions requiring periodic
13 refurbishment of school buses over ten years old."

14 SECTION 7. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun, before its effective date.

17 SECTION 8. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 9. This Act shall take effect on July 1, 2006.
20

INTRODUCED BY:


Kiril Caldwell



HB2452

Report Title:

School Buses; Seat Belts

Description:

Requires public and private elementary school children to wear seat belts on school buses. Requires all state contracted school buses to be fitted with seat belts after 07/01/06.

