

Honolulu, Hawaii

Feb 17, 2006

RE: H.B. No. 2452

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 2452 entitled:

"A BILL FOR AN ACT RELATING TO SCHOOL BUSES,"

begs leave to report as follows:

The purpose of this bill is to increase safety in school buses by:

- (1) Requiring all school buses currently used to carry public or private elementary school students, and all school buses contracted to be used by the State to transport elementary school students, to be equipped with seat belt assemblies for all passenger seats;
- (2) Requiring students to be restrained by seat belt assemblies in a school bus carrying elementary school students operating on any public highway;
- (3) Creating civil penalties for failure to comply with the school bus seat belt equipment requirements, or for failure to comply with seat belt use on a school bus;
- (4) Prohibiting insurers from considering civil violations as traffic violations for purposes of establishing motor vehicle liability insurance rates or determining the insurability of a driver; and




- (5) Requiring all school buses purchased by the State after July 1, 2006, to be fitted with seat belt assemblies.

The Department of Transportation supported the intent of this bill. The Department of Education supported the intent of this bill but with serious concerns. The Hawaii Association of Independent Schools, Hawaii Transportation Association, Roberts Hawaii School Bus Inc., Hawaii School Bus Association, and Gomes School Bus Service, Ltd., opposed this bill.

While your Committee understands the need to protect the health and safety of Hawaii's children as they ride to and from school in school buses, your Committee is also aware that studies and crash test data have shown that seat belt use on a school bus may not offer added protection in a crash. This is mainly due to the fact that the structural design of school buses includes "compartmentalization design"--protocols in the interior of the bus that contain strong, closely-spaced seats with energy-absorbing backs, which form a protective envelope for a child. Although your Committee notes that the fatality rate for school buses is only .2 fatalities for every 100 million vehicle miles traveled as compared to 1.5 fatalities per 100 million vehicle miles traveled for cars, the protection of our children is an important issue that deserves further consideration.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2452 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,



JOSEPH M. SOUKI, Chair



