

Honolulu, Hawaii

April 5, 2006

RE: S.B. No. 427
S.D. 1
H.D. 1

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 427, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY,"

begs leave to report as follows:

The purpose of this bill is to amend the child passenger restraint law. Among other things, this bill:

- (1) Extends application of the law requiring drivers to restrain children in child safety seats or booster seats that meet federal motor vehicle safety standards at the time of its manufacture from children under the age of four, to children four years of age or older but less than eight years of age, except where the child is:
 - (A) Over four feet nine inches in height; or
 - (B) More than 40 pounds and is riding in a vehicle equipped only with lap belts, without shoulder straps, in the rear seat;
- (2) Eliminates consideration as contributory negligence, comparative negligence, or negligence per se of the failure of a driver transporting a child under the age of eight years, instead of four years, to restrain the



child in a child passenger restraint system or a seat belt assembly; and

- (3) Providing a definition for the word "restrained."

The Department of Health, Department of Transportation, Hawaii State Health Planning and Development Agency Kauai County Subarea Health Planning Council, Hawaii County Council, Honolulu Police Department, Maui Police Department, American Academy of Pediatrics Hawaii Chapter, Kalihi-Palama Health Center, Keiki Injury Prevention Coalition/SAFE KIDS HI, Mothers Against Drunk Driving, State Farm Mutual Automobile Insurance Company, UH Pediatric Residency Program, and numerous concerned individuals testified in support of this bill. The Hawaii Association of Independent Schools supported the intent of this measure. The Office of the Public Defender provided comments.

Your Committee has amended this bill by:

- (1) Clarifying that the exemption from the child safety seat or booster seat requirement for drivers transporting a child under eight years of age and above a certain height or weight applies only when the child is restrained by a seat belt assembly;
- (2) Clarifying that the general exception for children in the rear seat of a motor vehicle in which the number of persons traveling in the motor vehicle exceeds the number of seat belt assemblies, applies also to children not restrained by a child safety seat;
- (3) Changing the effective date to January 1, 2007; and
- (4) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 427, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 427, S.D. 1, H.D. 1.



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

A handwritten signature in black ink, appearing to read 'Sylvia Luke', written over a horizontal line.

SYLVIA LUKE, Chair



