
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 federal and state
2 laws require certain motor vehicle drivers and passengers to use
3 seat belts because seat belts provide a measure of protection
4 during accidents. Passenger cars, light trucks, and vans are
5 required under federal law to have seat belts at all designated
6 seating positions. However, neither federal nor Hawaii law
7 requires seat belts on school buses that have a gross vehicle
8 weight rating of more than ten thousand pounds, which is the
9 standard weight of a large school bus.

10 Despite increased federal standards for school bus
11 passenger safety and crash protection, there are still thousands
12 of injuries to children throughout the country each year due to
13 school bus accidents. Children suffer both minor and serious
14 injuries to their head, neck, back, and stomach when striking
15 the roof, windows, seat backs, and other school bus passengers
16 during crashes.

17 Opponents of seat belts on large school buses argue that
18 strong, well-padded, energy absorbing seats and higher seat



1 backs compartmentalize passengers during a crash, thereby
2 providing adequate safety. A comprehensive, in-depth study in
3 1989 by the Transportation Research Board found that seat belts
4 provide additional crash protection on compartmentalized school
5 buses. In addition, a National Highway Traffic Safety
6 Administration study found that approximately one-third of the
7 fatal crashes between 1977 and 1992 were non-frontal crashes
8 from which compartmentalization is not designed to protect.
9 Most school bus fatalities occur in rollovers. Crash test and
10 case study data indicate that seat belts provide improved crash
11 protection and are especially beneficial in side-impact and
12 rollover school bus accidents.

13 Seat belts reduce other types of injuries by restraining
14 children who may otherwise be out of their seats. This also
15 helps improve passenger behavior and reduce distractions to
16 school bus drivers. In addition, seat belts provide another
17 important benefit, namely, educating children as to seat belt
18 use and reinforcing seat belt use in motor vehicles.

19 States can require and equip school buses to meet a higher
20 safety standard than established under federal law. California,
21 Florida, Louisiana, New Jersey, and New York have already
22 enacted legislation to mandate seat belts on large school buses.



1 The purpose of this Act is to:

2 (1) Require all school buses to be fitted with a seat belt
3 assembly at all designated seating positions by
4 January 1, 2011;

5 (2) Require all school buses to have seat backs that are
6 at least twenty-four inches in height by January 1,
7 2011; and

8 (3) Require the department of education to adopt rules
9 requiring the use of seat belt assemblies by certain
10 pupils on school buses.

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

14 "§103D- Procurement of school vehicles. (a) All school
15 buses with a gross vehicle weight rating of more than ten
16 thousand pounds purchased by the State shall be equipped with:

17 (1) An operable seat belt assembly at each designated
18 seating position; and

19 (2) Seat backs that are a minimum of twenty-four inches in
20 height.

21 (b) As used in this section:

22 "School bus" has the same meaning as in section 286-231.



1 "Seat belt assembly" has the same meaning as in section
2 286- ."

3 SECTION 3. Chapter 286, Hawaii Revised Statutes, is
4 amended by adding a new section to part IX to be appropriately
5 designated and to read as follows:

6 "§286- School bus safety. (a) Notwithstanding any
7 other law to the contrary, beginning January 1, 2011:

8 (1) All school buses with a gross vehicle weight rating of
9 more than ten thousand pounds shall be equipped with:

10 (A) An operable seat belt assembly at each designated
11 seating position; and

12 (B) Seat backs that are a minimum of twenty-four
13 inches in height; and

14 (2) No certificate of inspection shall be issued under
15 section 286-26 or section 286-181(e) for a school bus
16 with a gross vehicle weight rating of more than ten
17 thousand pounds unless the school bus is in compliance
18 with subsection (a).

19 (b) As used in this section:

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

22 "School bus" has the same meaning as in section 286-231.



1 "Seat belt assembly" means a seat belt, including a lap
2 belt, in compliance with all applicable federal standards and
3 installed by or pursuant to the specifications of the seat belt
4 manufacturer.

5 (c) The department of transportation shall adopt rules
6 necessary for the purposes of this section. The department of
7 education shall adopt rules:

8 (1) Requiring the use of seat belt assemblies by pupils
9 between the ages of four and twelve on school buses
10 with a gross vehicle weight rating of more than ten
11 thousand pounds; and

12 (2) Providing appropriate discipline for any pupil who
13 fails to comply with this section and any rule adopted
14 regarding the use of a seat belt assembly on a school
15 bus."

16 SECTION 4. Section 302A-407, Hawaii Revised Statutes, is
17 amended by amending subsection (e) to read as follows:

18 "(e) The contract between the State and the contractor
19 shall include [a]:

20 (1) A provision requiring the contractor to equip the
21 contractor's vehicles with the signs and visual



1 signals described in section 291C-95(d) and (g) [~~—The~~
2 ~~contract shall also include other~~];

3 (2) A provision requiring the contractor to equip the
4 contractor's vehicles that have a gross vehicle weight
5 rating of more than ten thousand pounds with:

6 (A) An operable seat belt assembly at each designated
7 seating position; and

8 (B) Seat backs that are a minimum of twenty-four
9 inches in height;

10 (3) A provision requiring periodic refurbishment of school
11 buses over ten years old; and

12 (4) Other provisions as [~~may be~~] deemed necessary by the
13 State for the safety of school bus passengers [~~and~~
14 shall include provisions requiring periodic
15 refurbishment of school buses over ten years old]."

16 SECTION 5. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun, before its effective date.

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Transportation Safety; School Bus; Seat Belt

Description:

Requires large school buses to have an operable seat belt assembly at all designated seating positions and seat backs that are a minimum height by 1/1/11, in order to pass inspection. Requires the department of education to adopt rules requiring the use of seat belt assemblies by pupils and school discipline for a pupil in violation. Requires the State to purchase and lease large school buses in compliance with the new inspection requirements.

