

JAN 18 2008

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# A BILL FOR AN ACT

RELATING TO SEAT BELTS IN SCHOOL BUSES.

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

1           SECTION 1. The legislature finds that millions of children  
2 in the United States begin and end each day with a trip on a  
3 school bus, and thousands of injuries to children occur each  
4 year involving school buses, sometimes ending with tragic  
5 fatalities. For example, in a recent incident in Hawaii, a  
6 school bus and large dump truck collided in Kaimuki, causing  
7 injury to twelve children.

8           The legislature further finds that the National Traffic and  
9 Motor Vehicle Safety Act includes bus safety requirements and  
10 sets standards that require school buses to be structurally and  
11 mechanically safe and provide pedestrian and occupant safety,  
12 and there is an increasing debate on the necessity of seat belts  
13 in school buses. While the National Transportation Safety Board  
14 concluded that the possible benefits of seat belts on school  
15 buses were insufficient for the National Highway Traffic Safety  
16 Administration to mandate the installation of seat belts on  
17 school buses, the same agency recommends that smaller children



1 should "buckle up" and be secured in child passenger restraints  
2 on school buses.

3 The purpose of this Act is to provide the maximum possible  
4 safety for children in school buses by:

5 (1) Removing school buses as an exemption to the mandatory  
6 use of seat belts statute;

7 (2) Adding retrofitting of seat belts to other provisions  
8 as may be deemed necessary by the State for the safety  
9 of school bus passengers; and

10 (3) Appropriating funds to the department of education for  
11 the costs of retrofitting school buses with seat  
12 belts.

13 SECTION 2. Section 291-11.6, Hawaii Revised Statutes, is  
14 amended by amending subsection (b) to read as follows:

15 "(b) The passengers of the following motor vehicles shall  
16 be exempt from the requirements of this section: emergency and  
17 mass transit vehicles. Further exemptions from this section may  
18 be established by rules adopted by the department of  
19 transportation pursuant to chapter 91.

20 As used in this section, unless the context otherwise  
21 requires:



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

3 "Mass transit vehicle" means a bus[~~, including a school~~  
4 ~~bus~~] (but excluding a school bus or a charter or sightseeing  
5 service bus) with a gross vehicle weight rating that is over  
6 10,000 pounds, whether publicly or privately owned, which  
7 provides service to the general public or provides special  
8 service on a regular or continuing basis."

9 SECTION 3. Section 302A-407, Hawaii Revised Statutes, is  
10 amended by amending subsection (e) to read as follows:

11 "(e) The contract between the State and the contractor  
12 shall include a provision requiring the contractor to equip the  
13 contractor's vehicles with the signs and visual signals  
14 described in section 291C-95(d) and (g). The contract shall  
15 also include other provisions as may be deemed necessary by the  
16 State for the safety of school bus passengers, including the  
17 retrofitting of seat belts, and shall include provisions  
18 requiring periodic refurbishment of school buses over ten years  
19 old."

20 SECTION 4. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2008-2009 for  
2 the costs of retrofitting school buses with seat belts.

3 The sum appropriated shall be expended by the department of  
4 education for the purposes of this Act.

5 SECTION 5. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 6. This Act shall take effect upon approval;  
8 provided that section 4 shall take effect on July 1, 2008.

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INTRODUCED BY:

*Mike Gebhardt*  
*Norman Sakamoto*  
*Franne Chun Akland*  
*Carol Fukunaga*  
*S.S.L.*  
*Clara K. Fujihira*



**Report Title:**

School Buses; Mandatory Use of Seat Belts; Appropriation

**Description:**

Deletes school buses from the exemptions to the mandatory use of seat belts; adds retrofitting of seat belts to other provisions as may be deemed necessary by the State for the safety of school bus passengers; appropriates funds to the DOE for the retrofitting of seat belts in school buses.

