

JAN 23 2008

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# A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

- 1           SECTION 1. The legislature finds and declares that:
- 2           (1) Hawaii has a strong interest in the safety of children
- 3                 and reducing vehicle-related injuries and fatalities;
- 4           (2) Last year, approximately 40,000 children used school
- 5                 bus transportation;
- 6           (3) Hawaii has no seat belt requirements for school buses;
- 7           (4) A collision between a school bus and a dump truck in
- 8                 Kaimuki caused hospitalization of twelve children in
- 9                 2005;
- 10          (5) California, Florida, Kansas, Louisiana, New Jersey,
- 11                 New York, and Texas have passed laws requiring seat
- 12                 belts on school buses; and
- 13          (6) It is recognized by the National Highway Traffic
- 14                 Safety Administration of the United States Department
- 15                 of Transportation that child safety is improved when
- 16                 children are buckled up in three point seat belts



1           rather than only a lap belts, according to a 2007  
2           notice of proposed rulemaking.

3           SECTION 2. Chapter 286, part IX, Hawaii Revised Statutes,  
4 is amended by adding a new section to be appropriately  
5 designated and to read as follows:

6           "§286-     Pupil transportation safety; passenger restraint  
7 system. (a) The provisions of section 286-181 notwithstanding  
8 and unless specifically prohibited by the National Highway  
9 Transportation Safety Administration, all school buses purchased  
10 or leased for use in Hawaii as of July 1, 2010, shall be  
11 equipped at all designated seating positions with a combination  
12 pelvic and upper torso passenger restraint system.

13           (b) For purposes of this section, a "passenger restraint  
14 system" means a restraint system:

15           (1) That is in compliance with Federal Motor Vehicle  
16 Safety Standard 209, for a type two seatbelt assembly,  
17 and with Federal Motor Vehicle Safety Standard 210, as  
18 those standards were in effect on the date the school  
19 bus was manufactured; or

20           (2) Certified by the school bus manufacturer that is in  
21 compliance with Federal Motor Vehicle Safety Standard



1           222 and incorporates a type two lap-shoulder restraint  
2           system.

3           (c) No person, school district, or organization, with  
4           respect to a school bus equipped with passenger restraint  
5           systems pursuant to this section, may be charged for a violation  
6           of this code or any rule adopted thereunder requiring a  
7           passenger to use a passenger restraint system, if a passenger on  
8           the school bus fails to use or improperly uses the passenger  
9           restraint system."

10           SECTION 3. Section 291-11.6, Hawaii Revised Statutes, is  
11           amended by amending subsection (b) to read as follows:

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

17           As used in this section, unless the context otherwise  
18           requires:

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

21           "Mass transit vehicle" means a bus[~~, including a school~~  
22           bus] (but excluding a charter [~~e~~], school, or sightseeing



1 service bus) with a gross vehicle weight rating that is over  
2 10,000 pounds, whether publicly or privately owned, which  
3 provides service to the general public or provides special  
4 service on a regular or continuing basis."

5 SECTION 4. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

*Will Egan*



**Report Title:**

Pupil Transportation Safety; Passenger Restraint System

**Description:**

Requires all school buses purchased or leased for use in Hawaii as of July 1, 2010, to be equipped at all designated seating positions with a combination pelvic and upper torso passenger restraint system; defines "passenger restraint system"; deletes school buses from exemptions for mandatory use of seat belts.

