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# 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 in frontal crashes. However, a  
3 comprehensive, in-depth study in 1989 by the Transportation  
4 Research Board found that seat belts provide additional crash  
5 protection on compartmentalized school buses. Furthermore, a  
6 National Highway Traffic Safety Administration study found that  
7 approximately one-third of the fatal crashes between 1977 and  
8 1992 were non-frontal crashes. Compartmentalization is not  
9 designed to provide protection from these types of crashes.  
10 Most school bus fatalities occur in rollovers. Crash test and  
11 case study data indicate that seat belts provide improved crash  
12 protection and are especially beneficial in side-impact and  
13 rollover school bus accidents.

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

20       States can require and equip school buses to meet a higher  
21 safety standard than established under federal law. California,



1 Florida, Louisiana, New Jersey, and New York have already  
2 enacted legislation to mandate seat belts on large school buses.

3 The purpose of this Act is to:

4 (1) Require all school buses imported into the state after  
5 June 30, 2010, to be fitted with a lap and shoulder  
6 seat belt assembly at all designated seating  
7 positions;

8 (2) Require the department of education to adopt rules  
9 requiring the use of seat belt assemblies on school  
10 buses; and

11 (3) Require bus contractors to equip every existing school  
12 bus with a lap and shoulder seat belt assembly by July  
13 1, 2020.

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

17 "§286- School bus safety. (a) Notwithstanding any  
18 other law to the contrary:

19 (1) All school buses with a gross vehicle weight rating of  
20 more than ten thousand pounds imported into the state  
21 after June 30, 2010, shall be equipped with seat belt  
22 assemblies at each designated seating position; and



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

6       (b) As used in this section:

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

8       "Seat belt assembly" means a seat belt, including a lap and  
9       shoulder harness belt that is in compliance with all applicable  
10      federal standards and installed by or pursuant to the  
11      specifications of the seat belt assembly manufacturer.

12      (c) The department of transportation shall adopt rules  
13      necessary for the purposes of this section. The department of  
14      education shall adopt rules:

15      (1) Requiring the use of seat belt assemblies by pupils on  
16      school buses; and

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

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



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

3           (1) A provision requiring the contractor to equip the  
4           contractor's vehicles with the signs and visual  
5           signals described in section 291C-95(d) and (g) [~~—The~~  
6           ~~contract shall also include other~~];

7           (2) A provision requiring the contractor by July 1, 2020,  
8           to equip the contractor's vehicles that have a gross  
9           vehicle weight rating of more than ten thousand pounds  
10           with an operable lap and shoulder seat belt assembly  
11           at each designated seating position;

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

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

18           SECTION 4. This Act does not affect rights and duties that  
19 matured, penalties that were incurred, and proceedings that were  
20 begun, before its effective date.



- 1 SECTION 5. Statutory material to be repealed is bracketed
- 2 and stricken. New statutory material is underscored.
- 3 SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

School Buses; Seat Belts

**Description:**

Requires all school buses imported into the state after July 1, 2010, to be equipped with lap and shoulder belt assemblies at all designated seating positions. Requires DOE to adopt rules requiring the use of seatbelts. Requires school buses that are currently in Hawaii to be retrofitted and equipped with lap and shoulder belt assemblies by July 1, 2020. (HB800 HD1)

