

JAN 23 2009

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 passenger cars,
2 light trucks, and vans are required under federal and state law
3 to be equipped with seat belts at designated seating positions.
4 However, neither federal nor state law require seat belts on
5 school buses that have a gross vehicle weight rating of more
6 than ten thousand pounds, which is the standard weight of a
7 large school bus.

8 The legislature further finds that there are thousands of
9 injuries to children throughout the country each year due to
10 school bus accidents. Those injuries included trauma to the
11 head, neck, back, and torso resulting when the body is violently
12 thrown against the roof, windows, seat backs, and other
13 passengers. Most school bus fatalities occur in rollovers.
14 Crash test and case study data indicate that seat belts provide
15 improved crash protection and are especially beneficial in side-
16 impact and rollover school bus accidents.



1 California, Florida, Louisiana, New Jersey, and New York
2 have enacted legislation to mandate large school buses to be
3 equipped with seat belts.

4 The purpose of this Act is to require:

- 5 (1) Large school buses, acquired on or after January 1,
6 2011, to be fitted with a seat belt assembly,
7 including lap and shoulder harness at each designated
8 seat;
- 9 (2) Commencing January 1, 2020, bus contractors to
10 retrofit every school bus in service prior to
11 January 1, 2020, with a seat belt assembly, including
12 lap and shoulder harness at each designated seat, for
13 continued use as a school bus; and
- 14 (3) The department of education to adopt rules to regulate
15 the conduct of students riding in school buses,
16 including requiring the use of seat belt assemblies on
17 school buses.

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

21 **"§286- School bus safety; seat belt assembly mandatory.**

22 (a) All mass transit vehicles, as defined in section 201-11.6,



1 that are used as school buses and acquired on or after January
2 1, 2011, shall be equipped or retrofitted with a seat belt
3 assembly at each designated seat.

4 (b) Effective January 1, 2020, all mass transit vehicles,
5 as defined in section 201-11.6, that are being used as school
6 buses and that were acquired and placed into service prior to
7 January 1, 2011, shall be retrofitted with a seat belt assembly
8 at each designated seat for continued use as a school bus.

9 (c) As used in this section:

10 "School bus" shall have the same meaning as "bus" as
11 defined in section 286-2, provided that the bus is used to
12 transport school students.

13 "Seat belt assembly" means a seat belt, including lap and
14 shoulder harness belt, in compliance with all applicable federal
15 standards and installed by or pursuant to specifications of the
16 seat belt manufacturer."

17 SECTION 3. Section 286-26, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) The following vehicles shall be certified as provided
20 in subsection (e) once every year:



1 (1) Trucks, truck-tractors, semitrailers, and pole
2 trailers having a gross vehicle weight rating of more
3 than 10,000 pounds;

4 (2) Buses;

5 (3) Rental or U-drive motor vehicles two years of age or
6 older; ~~and~~

7 (4) Taxicabs~~[-]~~; and

8 (5) School buses as provided in section 286- .

9 Ambulances shall be certified as provided in subsection (e) once
10 every six months."

11 SECTION 4. Section 286-181, Hawaii Revised Statutes, is
12 amended by amending subsection (e) to read as follows:

13 "(e) The department of transportation shall adopt safety
14 rules and standards relating to school vehicles, equipment, and
15 drivers, including but not limited to:

16 (1) School vehicle and school vehicle equipment design,
17 construction, and identification;

18 (2) School bus seat belt assembly, as those terms are
19 defined in section 286- ;

20 ~~[(2)]~~ (3) School vehicle driver qualification and training
21 as required by law;

22 ~~[(3)]~~ (4) School vehicle operation;



- 1 [~~(4)~~] (5) School vehicle maintenance and maintenance
- 2 records;
- 3 [~~(5)~~] (6) Special school vehicle safety inspections;
- 4 [~~(6)~~] (7) Criteria for passenger loading and unloading
- 5 safety areas; and
- 6 [~~(7)~~] (8) Procedures and criteria for the granting of
- 7 exemptions permitted under subsections (b), (c), and
- 8 (d);

9 provided that the rules and standards shall permit the use of
10 small buses or vans weighing less than ten thousand pounds for
11 the transportation of pupils of a day care center, child care
12 facility, headstart program, and preschool, or of school pupils
13 and school staffs to and from school-related activities."

14 SECTION 5. Section 291-11.6, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§291-11.6 Mandatory use of seat belts, when, penalty.**

17 (a) Except as otherwise provided by law, no person:

- 18 (1) Shall operate a motor vehicle upon any public highway
- 19 unless the person is restrained by a seat belt
- 20 assembly and all passengers in the front or back seat
- 21 of the motor vehicle are restrained by a seat belt
- 22 assembly if between the ages of eight and fourteen, or



1 are restrained pursuant to section 291-11.5 if under
2 eight years of age;

3 (2) If fifteen years of age or more shall be a passenger
4 in the front seat of a motor vehicle being operated
5 upon any public highway unless such person is
6 restrained by a seat belt assembly; and

7 (3) If between the ages of fifteen and seventeen, shall be
8 a passenger in the back seat of a motor vehicle being
9 operated upon any public highway unless such person is
10 restrained by a seat belt assembly.

11 As used in this section:

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

14 "Seat belt assembly" means the seat belt assembly that is
15 required to be in the motor vehicle under any federal motor
16 vehicle safety standard issued pursuant to Public Law 89-563,
17 the National Traffic and Motor Vehicle Safety Act of 1966, as
18 amended, unless original replacement seat belt assemblies are
19 not readily available. If replacement assemblies are not
20 readily available, seat belts of federally approved materials
21 with similar protective characteristics may be used. Such
22 replacement seat belt assemblies shall be permanently marked by



1 the belt manufacturer indicating compliance with all applicable
2 federal standards.

3 (b) The passengers of the following motor vehicles shall
4 be exempt from the requirements of this section: emergency and
5 mass transit vehicles. Further exemptions from this section may
6 be established by rules adopted by the department of
7 transportation pursuant to chapter 91.

8 As used in this [~~section,~~] subsection unless the context
9 otherwise requires:

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

12 "Mass transit vehicle" means a bus, [~~including a school bus~~
13 ~~(but)~~ excluding a charter or sightseeing service bus~~(+)~~], with a
14 gross vehicle weight rating that is over 10,000 pounds, whether
15 publicly or privately owned, which provides service to the
16 general public or provides special service on a regular or
17 continuing basis.

18 (c) Mandatory use of seat belts on school buses shall be
19 as provided in section 286- .

20 [~~(e)~~] (d) No person shall be guilty of violating this
21 section if:



- 1 (1) The person is in a motor vehicle which is not required
2 to be equipped with a seat belt assembly under any
3 federal motor vehicle safety standard unless the
4 vehicle is in fact equipped with a seat belt assembly;
- 5 (2) The person not restrained by a seat belt assembly is
6 in a vehicle in which the number of persons exceeds
7 the number of seat belt assemblies available in the
8 vehicle or the number of seat belt assemblies
9 originally installed in the vehicle, whichever is
10 greater; provided that all available seat belt
11 assemblies are being used to restrain passengers;
- 12 (3) The person not restrained by a seat belt assembly has
13 a condition which prevents appropriate restraint by
14 the seat belt assembly; provided such condition is
15 duly certified by a physician who shall state the
16 nature of the condition, as well as the reason such
17 restraint is inappropriate;
- 18 (4) The person not restrained by a seat belt assembly is
19 operating a taxicab or other motor vehicle utilized in
20 performing a bona fide metered taxicab service which
21 is regulated under chapter 269 or by county ordinance



1 and is carrying passengers in the vehicle in the
2 course of performing taxicab services; or
3 (5) Otherwise exempted by rules adopted by the department
4 of transportation pursuant to chapter 91.

5 [~~(d)~~] (e) This section shall not be deemed to change
6 existing laws, rules, or procedures pertaining to a trial of a
7 civil action for damages for personal injuries or death
8 sustained in a motor vehicle accident.

9 [~~(e)~~] (f) A person who fails to comply with the
10 requirements of this section shall be subject to a fine of \$45
11 for each violation, a surcharge of \$10 which shall be deposited
12 into the neurotrauma special fund, and may be subject to a
13 surcharge of up to \$10 which shall be deposited into the trauma
14 system special fund."

15 SECTION 6. Section 302A-407, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§302A-407 School bus contracts.** (a) Any other law to
18 the contrary notwithstanding, school bus contracts between the
19 State and a private contractor may be extended for two years by
20 mutual agreement; provided that the parties may agree to extend
21 the contract for an additional two years thereafter. The
22 compensation due to the contractor by the State for each



1 extended year may be increased by an amount not to exceed five
2 per cent of the previous year's compensation. In addition, the
3 compensation due to the contractor by the State for any original
4 or extended contract year may be increased by a reasonable
5 amount for unanticipated inflationary increases in the cost of
6 fuel. If the original contract between the State and a private
7 contractor already includes an option to extend the contract
8 period, this subsection shall apply after the contract option is
9 exercised.

10 (b) In the renegotiation for the extension of any
11 contract, the contractor shall be notified at least three months
12 in advance to prepare data and facts relating to fuel cost for
13 the justification of an increase in the amount for the new
14 contract period.

15 (c) If a school is temporarily closed due to an unexpected
16 disruption necessitating the closing of the school, the
17 contractor and the State may enter into renegotiation for
18 payments of fixed costs.

19 (d) The contract between the State and the contractor
20 shall include ~~an~~ an:



1 (1) An age limit for the school bus vehicles that may be
2 used. The serviceability of a vehicle shall be
3 determined by chapter 286[-

4 ~~(e) The contract between the State and the contractor~~
5 ~~shall include a];~~

6 (2) A provision requiring the contractor to equip the
7 contractor's vehicles with the signs and visual
8 signals described in section 291C-95(d) and (g)[-];

9 (3) A provision requiring the contractor to comply with
10 section 286- ;

11 (4) A provision requiring periodic refurbishment of school
12 buses over ten years old for the purpose of ensuring
13 the continued operational and mechanical safety of the
14 bus; and

15 (5) ~~[The contract shall also include other]~~ Other
16 provisions as may be deemed necessary by the State for
17 the safety of school bus passengers [~~and shall include~~
18 ~~provisions requiring periodic refurbishment of school~~
19 ~~buses over ten years old]~~.

20 ~~(f)~~ (e) All moneys received from students and parents or
21 guardians of students by public schools for state-provided
22 school busing services, as authorized by section 302A-406, shall



1 be deposited into the school bus fare revolving fund. Except as
2 otherwise provided by the legislature, expenditures for the
3 operation of state-contracted school bus services, as authorized
4 by section 302A-406, shall be made from this fund."

5 SECTION 7. Section 302A-1128, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) The department shall have entire charge and control
8 and be responsible for the conduct of all affairs pertaining to
9 public instruction in the public schools the department
10 establishes and operates, including operating and maintaining
11 the capital improvement and repair and maintenance programs for
12 department and school facilities. The department may establish
13 and maintain schools for secular instruction at such places and
14 for such terms as in its discretion it may deem advisable and
15 the funds at its disposal may permit. The schools may include
16 high schools, kindergarten schools, schools or classes for
17 pregrade education, boarding schools, Hawaiian language medium
18 education schools, and evening and day schools. The department
19 may also maintain classes for technical and other instruction in
20 any school where there may not be pupils sufficient in number to
21 justify the establishment of separate schools for these
22 purposes.



1 The department shall adopt rules pursuant to chapter 91 to
2 regulate the conduct of students while riding in school buses to
3 and from school and to and from school events, including but not
4 limited to, the use of seat belt assemblies on the bus."

5 SECTION 8. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 9. This Act shall take effect upon its approval.

8

INTRODUCED BY:

Norman Salas
Elizabeth Ann Caldwell
Michelle N. Sidani
Clarence A. Pugh



Report Title:

Education; School Buses; Seat Belt Assembly

Description:

Establishes a plan for all school buses to be equipped or retrofitted with seat belts. Requires the department of education to adopt rules to regulate student conduct on school buses.

