
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 seat belts provide a
2 measure of safety in motor vehicle accidents. However, while
3 Hawaii law requires drivers and passengers of certain ages to
4 use seat belts in motor vehicles for safety reasons, children
5 transported by school buses do not have this protection because
6 seat belts are not required on school buses.

7 Although bus safety has improved since the 1977 adoption of
8 federal standards for school bus passenger safety and crash
9 protection, children throughout the country still suffer
10 thousands of injuries each year due to school bus accidents.
11 Students suffer both minor and serious injuries to their head,
12 neck, back, and stomach when striking the roof, windows, seat
13 backs, and other students in crashes. In Hawaii, a collision
14 between a school bus and a dump truck in Kaimuki caused the
15 hospitalization of 12 children in 2005.

16 Despite requirements for passenger cars, light trucks, and
17 vans to have seat belts at all designated seating positions,
18 federal laws do not require seat belts on large school buses,



1 which have a gross vehicle weight rating of more than 10,000
2 pounds, the standard weight of a large school bus. Opponents of
3 seat belts on large schools buses believe that strong, well-
4 padded, energy absorbing seats and higher seat backs that
5 "compartmentalize" and protect passengers during a crash provide
6 adequate safety features.

7 However, a comprehensive, in-depth study conducted in 1989
8 by the Transportation Research Board found that seat belts could
9 provide additional crash protection on compartmentalized school
10 buses. Another study by the National Highway Traffic Safety
11 Administration found that approximately one-third of the fatal
12 crashes between 1977 and 1992 were nonfrontal crash types for
13 which compartmentalization is not designed.

14 Most fatalities on school buses occur in rollovers, where a
15 lap belt would be the most effective in curbing injuries. Crash
16 test and case study data also indicate that seat belts provide
17 improved crash protection and are beneficial especially in side-
18 impact and rollover bus accidents.

19 In addition to safety, seat belts provide another important
20 benefit, namely, educating children about their use and
21 reinforcing seat belt educational messages reminding children to
22 use seat belts in cars. The use of seat belts can also provide



1 a reduction in injuries to out-of-position students kept in
2 their seats by seat belts. The use of seat belts can also lead
3 to improvements in passenger behavior and lessen distractions to
4 drivers.

5 While current federal safety standards do not require a
6 school bus having a gross vehicle weight rating of more than
7 10,000 pounds to be equipped with passenger safety belts, some
8 jurisdictions have required their school buses to meet a higher
9 safety standard than that established under federal law. To
10 date, California, Florida, Kansas, Louisiana, New Jersey, New
11 York, and Texas require seat belts on large school buses.

12 The purpose of this Act is to require elementary school
13 children to wear seat belts on school buses, and to require all
14 state-contracted school buses to be fitted with seat belts.

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

18 "§103D- Procurement of school bus vehicles; seat belts.
19 All school buses purchased or leased by the State after July 1,
20 2010, shall be equipped at all designated seating positions with
21 seat belt assemblies as defined in section 291-11.6(a)."



1 SECTION 3. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to part II, subpart C, to be
3 appropriately designated and to read as follows:

4 "§302A- Seat belts required on school buses; civil
5 penalty. (a) After July 1, 2010, every school bus used to
6 carry public or private elementary school students upon any
7 public highway shall be equipped with seat belt assemblies for
8 all passenger seats. Every public or private elementary school
9 student on any school bus shall wear a properly adjusted and
10 fastened seat belt assembly while the school bus is in motion.
11 The operator of any school bus shall require each school bus
12 passenger to comply with this section.

13 (b) Any person who violates this section shall be subject
14 to a civil penalty of not more than \$ for each violation.

15 (c) A police officer shall not stop or issue a citation to
16 a person operating a school bus on a public highway for a
17 violation of this section unless the officer has reasonable
18 cause to believe that there is another alleged violation of a
19 motor vehicle law of this state.

20 (d) If the driver of any school bus is found responsible
21 for a civil violation under this section, no state or county
22 department or agency may consider the violation to determine



1 whether the person's driver's license should be suspended or
2 revoked.

3 (e) An insurer shall not consider a civil violation under
4 this section as a traffic violation against the person to
5 establish rates for motor vehicle liability insurance or
6 determine the insurability of the person. An insurer shall not
7 cancel or refuse to renew any policy of insurance for a
8 violation of this section.

9 (f) This section shall not apply to a child who provides
10 to the school's principal a written statement from a physician
11 licensed to practice in this state that the child is unable for
12 medical or psychological reasons to wear a seat belt.

13 (g) No operator, school district, or organization shall be
14 charged with a violation of this section if the passenger on the
15 school bus refuses or fails to use a seat belt assembly despite
16 repeated instructions from the operator.

17 (h) For purposes of this section, "seat belt assembly" has
18 the same meaning as provided in section 291-11.6(a)."

19 SECTION 4. Section 291-11.6, Hawaii Revised Statutes, is
20 amended by amending subsections (a) and (b) to read as follows:

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



1 (1) Shall operate a motor vehicle upon any public highway
2 unless the person is restrained by a seat belt
3 assembly and all passengers in the front or back seat
4 of the motor vehicle are restrained by a seat belt
5 assembly if between the ages of eight and fourteen, or
6 are restrained pursuant to section 291-11.5 if under
7 eight years of age;

8 (2) If fifteen years of age or more, shall be a passenger
9 in the front seat of a motor vehicle being operated
10 upon any public highway unless such person is
11 restrained by a seat belt assembly; [~~and~~]

12 (3) If between the ages of fifteen and seventeen, shall be
13 a passenger in the back seat of a motor vehicle being
14 operated upon any public highway unless such person is
15 restrained by a seat belt assembly[~~-~~]; and

16 (4) Shall operate a school bus carrying public or private
17 elementary school students upon any public highway
18 unless those students are restrained by seat belt
19 assemblies pursuant to section 302A- .

20 As used in this subsection:

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



1 "Seat belt assembly" means the seat belt assembly required
2 to be in the motor vehicle under any federal motor vehicle
3 safety standard issued pursuant to Public Law 89-563, the
4 National Traffic and Motor Vehicle Safety Act of 1966, as
5 amended, unless original replacement seat belt assemblies are
6 not readily available. If replacement assemblies are not
7 readily available, seat belts of federally approved materials
8 with similar protective characteristics may be used. Such
9 replacement seat belt assemblies shall be permanently marked by
10 the belt manufacturer indicating compliance with all applicable
11 federal standards.

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 subsection, 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 school bus, charter bus, or sightseeing



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

5 SECTION 5. Section 302A-406, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) The department may provide suitable transportation to
8 and from school and for educational field trips for all children
9 in grades kindergarten to twelve and in special education
10 classes[~~;~~]; provided that no school bus shall carry public or
11 private elementary school students upon any public highway
12 unless those students are restrained by seat belt assemblies
13 pursuant to section 302A-_____. The department shall adopt such
14 policy, procedure, and program as it deems necessary to provide
15 suitable transportation. In formulating the policy, procedure,
16 and program, the department shall consider [~~the~~]:

- 17 (1) The school district; [~~the~~]
18 (2) The school attendance area in which a school child
19 normally resides; [~~the~~]
20 (3) The distance the school child lives from the school;
21 [~~the~~]



1 (4) The availability of public carriers or other means of
2 transportation; [~~the~~]

3 (5) The frequency, regularity, and availability of public
4 transportation; and [~~the~~]

5 (6) The grade level, physical [~~handicap,~~] disability, or
6 special learning disability of a school child[~~, and~~
7 it].

8 The department [~~may~~] also may consider such conditions and
9 circumstances unique or peculiar to a county or area."

10 SECTION 6. Section 302A-407, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By amending subsection (a) to read:

13 "(a) Any other law to the contrary notwithstanding, except
14 as provided in subsection (e), school bus contracts between the
15 State and a private contractor may be extended for two years by
16 mutual agreement; provided that the parties may agree to extend
17 the contract for an additional two years thereafter. The
18 compensation due to the contractor by the State for each
19 extended year may be increased by an amount not to exceed five
20 per cent of the previous year's compensation. In addition, the
21 compensation due to the contractor by the State for any original
22 or extended contract year may be increased by a reasonable



1 amount for unanticipated inflationary increases in the cost of
 2 fuel. If the original contract between the State and a private
 3 contractor already includes an option to extend the contract
 4 period, this subsection shall apply after the contract option is
 5 exercised."

6 2. By amending subsection (e) to read:

7 "(e) The contract between the State and the contractor
 8 shall include [~~a provision requiring~~] provisions requiring the
 9 contractor to equip the contractor's vehicles with [~~the~~]:

10 (1) The signs and visual signals described in section
 11 291C-95(d) and (g) [~~The contract shall also include~~
 12 other provisions as may be]; and

13 (2) A seat belt assembly for each seat in the vehicle for
 14 contracts negotiated or extended after July 1, 2010,
 15 and other provisions deemed necessary by the State for
 16 the safety of school bus passengers, [~~and shall~~
 17 ~~include provisions requiring~~] including requests for
 18 periodic refurbishment of school buses over ten years
 19 old.

20 "Seat belt assembly" has the same meaning as provided in
 21 section 291-11.6(a)."



1 SECTION 7. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

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

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

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Report Title:

School Buses; Seat Belts

Description:

Requires public and private elementary school children to wear seat belts on school buses. Requires all state contracted school buses to be fitted with seat belts after July 1, 2010.

