

STAND. COM. REP. NO. 22

Honolulu, Hawaii
Feb 5, 2009

RE: H.B. No. 800
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 800 entitled:

"A BILL FOR AN ACT RELATING TO SCHOOL BUSES,"

begs leave to report as follows:

The purpose of this bill is to increase safety in school buses having a gross vehicle weight rating of more than 10,000 pounds by:

- (1) Requiring all school buses, whether purchased or contracted for use by the State, to be equipped with seat belt assemblies for all passenger seats after July 1, 2010;
- (2) Requiring student passengers on a school bus to wear properly adjusted and fastened seat belt assemblies; and
- (3) Establishing penalties for violations of the seat belt requirement.

The Honolulu Police Department testified in support of this bill. The Hawaii Transportation Association and a concerned individual testified in opposition to this measure. The Department of Education (DOE) did not support this bill.

Protecting the health and safety of Hawaii's children as they ride to and from school in school buses is important. In fact,

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because of its importance, the structural design of school buses includes what is known as "compartmentalization design"--protocols in the interior of the bus that contain strong, closely-spaced seats with energy-absorbing backs that form a protective envelope for a child. Although previous studies and crash test data have shown that seat belt use on a school bus may not offer added protection in a crash due to the use of "compartmentalization design," more recent studies and data appear to contradict this understanding.

Moreover, your Committee finds that while the fatality rate for school buses is only .2 fatalities for every 100 million vehicle miles traveled as compared to 1.5 fatalities per 100 million vehicle miles traveled for cars, the protection of our children is an important issue that deserves further consideration.

However, your Committee understands the concerns raised by DOE regarding cost and implementation of the requirements of this measure in the time frame afforded by this bill. Accordingly, your Committee has amended this measure to provide greater flexibility in addressing the need for seat belts on school buses by deleting its contents and replacing it with the language contained in H.B. No. 176, which requires:


- (1) All school buses imported into the state after June 30, 2010, to be fitted with a lap and shoulder seat belt assembly at all designated seating positions;
- (2) DOE to adopt rules requiring the use of seat belt assemblies on school buses; and
- (3) Bus contractors to equip every existing school bus with a lap and shoulder seat belt assembly by July 1, 2020.

Technical, nonsubstantive amendments were also made for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 800, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 800, H.D. 1, and be referred to the Committee on Education.



Respectfully submitted on
behalf of the members of the
Committee on Transportation,



JOSEPH M. SOUKI, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

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Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 800	Committee Referral: TRN, EDN, FIN	Date: 2/2/2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	✓			
2. AWANA, Karen Leinani (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. HANOHANO, Faye P.	✓			
5. KEITH-AGARAN, Gilbert S.C.	✓			
6. LEE, Marilyn B.	✓			
7. NAKASHIMA, Mark M.	✓			
8. RHOADS, Karl	✓			
9. SAIKI, Scott K.	✓			
10. TAKUMI, Roy M.	✓			
11. YAMASHITA, Kyle T.	✓			
12. PINE, Kymberly Marcos	✓			
TOTAL (12)	12			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: <u>Karen Leinani</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				