

JAN 18 2013

A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. In July 2012, twenty year old Christine Laeda
2 was a back seat passenger in a car that was involved in an
3 accident with another vehicle. Ms. Laeda, who was fatally
4 injured, was not wearing her seat belt at the time of the
5 accident. The legislature finds that senseless loss of life may
6 be reduced if all passengers, regardless of seating position,
7 are required to wear a seat belt or child passenger restraint.

8 According to the National Highway Traffic Safety
9 Administration, seat belt use in rear seats is higher in states
10 with laws requiring seat belt use in all seating positions. At
11 least twenty-one states have laws that require seat belt use by
12 occupants of motor vehicles regardless of seating position.
13 Hawaii law currently requires rear seat passengers between the
14 ages of eight and fourteen to wear a seat belt and children
15 under eight years of age to be properly restrained.

16 In addition, a study conducted by Tokyo University found
17 that even drivers and front seat passengers who wear seat belts
18 have five times the risk of dying in a car crash if the rear



1 seat passengers are not wearing seatbelts. This study also
2 found that in head-on collisions the risk of dying for front
3 seat occupants increased six or seven times if the rear
4 passengers were not wearing seatbelts. The study found that
5 during a car accident at thirty miles per hour, a typical rear
6 seat passenger is flung forward at thirty miles per hour with a
7 force of three tons. This force is enough to crush the driver
8 or front seat passenger. The study found that unrestrained rear
9 seat passengers posed the biggest threat to drivers and front
10 seat passengers. The study concluded that all passengers should
11 wear seatbelts not only for their own protection but for the
12 protection of the other occupants.

13 The purpose of this Act is to require that all passengers
14 in the front or back seat of a motor vehicle be restrained by a
15 seat belt or child passenger restraint.

16 SECTION 2. Section 291-11.6, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) Except as otherwise provided by law, no person[+
19 ~~(1)~~ ~~shall~~] shall operate a motor vehicle upon any public
20 highway unless the person is restrained by a seat belt
21 assembly and all passengers in the front or back seat
22 of the motor vehicle are restrained by a seat belt



1 assembly if [~~between the ages of eight and fourteen,~~
2 eight years of age or more, or are restrained pursuant
3 to section 291-11.5 if under eight years of age[
4 ~~(2) If fifteen years of age or more shall be a passenger~~
5 ~~in the front seat of a motor vehicle being operated~~
6 ~~upon any public highway unless such person is~~
7 ~~restrained by a seat belt assembly, and~~
8 ~~(3) If between the ages of fifteen and seventeen, shall be~~
9 ~~a passenger in the back seat of a motor vehicle being~~
10 ~~operated upon any public highway unless such person is~~
11 ~~restrained by a seat belt assembly].~~

12 As used in this section:

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

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



1 replacement seat belt assemblies shall be permanently marked by
2 the belt manufacturer indicating compliance with all applicable
3 federal standards."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

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

10

INTRODUCED BY:

~~AC. [Signature]~~
Randy H. Baker



S.B. NO. 340

Report Title:

Transportation; Safety; Seat Belts

Description:

Amends section 291-11.6, Hawaii Revised Statutes, to require that all passengers in the front or back seat of a motor vehicle be restrained by a seat belt regardless of age.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

