

JAN 21 2016

A BILL FOR AN ACT

RELATING TO PASSENGERS RIDING IN BED OF PICKUP TRUCKS.

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

1 SECTION 1. Section 291-14, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§291-14 Pickup trucks; passenger restrictions[~~-~~];
4 liability. (a) No person shall stand in the bed or load-
5 carrying area of any motor vehicle commonly known as a pickup
6 truck while the vehicle is in operation. No operator of any
7 pickup truck shall operate the vehicle with a passenger seated
8 in the bed or load-carrying area of the vehicle unless:

- 9 (1) There is no seating available in the cab of the
10 vehicle;
- 11 (2) The side racks of the vehicle are securely attached
12 and the tailboard or tailgate is securely closed; and
- 13 (3) Every passenger in the bed or load-carrying area of
14 the vehicle is seated on the floor and does not
15 attempt to control unlash cargo.
- 16 (b) This section shall not apply to persons or
17 corporations operating a business or businesses that serve the



1 public, who or which are subject to the jurisdiction,
2 supervision, and regulations prescribed by state agencies or
3 departments nor to their agents or employees when engaged in the
4 business of such persons or corporations.

5 (c) No operator of any pickup truck may operate the
6 vehicle with any passenger [~~twelve~~] under eighteen years of age
7 [~~or under~~] in the bed or load-carrying area of the vehicle,
8 unless one of the following applies:

9 (1) An emergency exists that threatens the life of the
10 passenger being transported in the bed or load-
11 carrying area of the vehicle; or

12 (2) The vehicle is being operated in parades, caravans, or
13 exhibitions which are officially authorized or
14 otherwise permitted by law.

15 (d) Any passenger in the bed or load-carrying area of a
16 pickup truck shall be deemed to have assumed the risk of injury
17 or death as a result of an accident or injury occurring while
18 the vehicle is in operation.

19 [~~(d)~~] (e) Any person who violates this section shall be
20 subject to a fine of \$25 for each violation; provided that any



S.B. NO. 2143

1 person who violates subsection (c) shall be subject to a fine of
2 \$50 for each separate violation.

3 ~~(e)~~ (f) As used in this section, "pickup truck" means a
4 light truck that has a cab on the front part of the vehicle
5 covering the driver's seat and an open bed behind the cab
6 designed primarily to transport property or cargo, with sides
7 and a tailgate to retain the contents within the confines of the
8 bed, and has a maximum gross vehicle weight rating (GVWR) of
9 11,000 pounds or less."

10 SECTION 2. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

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S.B. NO. 2143

Report Title:

Pickup Truck; Passengers; Liability

Description:

Raises the age of passengers prohibited to ride in the bed of a pickup truck under certain conditions from twelve or under to under eighteen years of age. Deems passengers in the bed of a pickup truck to have assumed the risk of injury or death from an accident or injury occurring while the vehicle is in operation.

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