

JAN 22 2016

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 federal and state
2 laws require certain motor vehicle drivers and passengers to use
3 seat belts because seat belts provide a measure of protection
4 during accidents. Passenger cars, light trucks, and vans are
5 required under federal law to have seat belts at all designated
6 seating positions. However, neither federal nor Hawaii law
7 requires seat belts on school buses that have a gross vehicle
8 weight rating of more than ten thousand pounds, which is the
9 standard weight of a large school bus.

10 Despite increased federal standards for school bus
11 passenger safety and crash protection, there are still thousands
12 of injuries to children throughout the country each year due to
13 school bus accidents. Children suffer both minor and serious
14 injuries to their head, neck, back, and stomach when striking
15 the roof, windows, seat backs, and other school bus passengers
16 during crashes.



1 Opponents of seat belts on large school buses argue that
2 strong, well-padded, energy absorbing seats and higher seat
3 backs compartmentalize passengers during a crash, thereby
4 providing adequate safety in frontal crashes. However, a
5 comprehensive, in-depth study in 1989 by the Transportation
6 Research Board found that the inclusion of seat belts on
7 compartmentalized school buses provides additional crash
8 protection. Furthermore, a National Highway Traffic Safety
9 Administration study found that approximately one-third of the
10 fatal crashes between 1977 and 1992 occurred from non-frontal
11 and rollover crashes. Compartmentalization is not designed to
12 provide protection from non-frontal and rollover crashes. Crash
13 test and case study data indicate that seat belts provide
14 improved crash protection and are especially beneficial in side-
15 impact and rollover school bus accidents.

16 The legislature finds that seat belts also reduce other
17 types of injuries by restraining children who may otherwise be
18 out of their seats. This also helps improve passenger behavior
19 and reduce distractions to school bus drivers. In addition,
20 seat belts provide other important benefits, such as educating



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1 children about seat belt use and reinforcing seat belt use in
2 motor vehicles.

3 The legislature finds that states can require and equip
4 school buses to meet a higher safety standard than established
5 under federal law. California, Florida, Louisiana, New Jersey,
6 and New York have already enacted legislation to mandate seat
7 belts on large school buses.

8 The purpose of this Act is to require all school buses
9 purchased, leased, or contracted for use by the State as of
10 July 1, 2018, to be equipped with seat belt assemblies at all
11 designated seating positions.

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

15 "§286- School bus safety. (a) Notwithstanding any
16 other law to the contrary:

17 (1) All school buses with a gross vehicle weight rating of
18 more than ten thousand pounds purchased, leased, or
19 contracted for use by the State as of July 1, 2018,
20 and thereafter, shall be equipped with a seat belt
21 assembly at each designated seating position; and



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1 (2) No certificate of inspection shall be issued under
2 section 286-26 for a school bus with a gross vehicle
3 weight rating of more than ten thousand pounds unless
4 the school bus is in compliance with this subsection.

5 (b) As used in this section:

6 "School bus" has the same meaning as in section 286-231.

7 "Seat belt assembly" means a seat belt, including a lap and
8 shoulder harness belt, that is in compliance with all applicable
9 federal standards and installed by or pursuant to the
10 specifications of the seat belt assembly manufacturer.

11 (c) The department of transportation shall adopt rules,
12 pursuant to chapter 91, necessary to effectuate the purposes of
13 this section.

14 (d) The department of education shall adopt rules:

15 (1) Requiring the use of seat belt assemblies by pupils on
16 school buses; and

17 (2) Providing appropriate discipline for any pupil who
18 fails to comply with this section and any rule adopted
19 regarding the use of a seat belt assembly on a school
20 bus."



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1 SECTION 3. Section 302A-407, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Any school bus contract between the State and the
4 contractor shall include [a]:

5 (1) A provision requiring the contractor to equip the
6 contractor's vehicles with the signs and visual
7 signals described in section 291C-95(d) and (g) [~~The~~
8 contract shall also include];

9 (2) A provision requiring the contractor to equip, as of
10 July 1, 2018, and thereafter, the contractor's
11 vehicles that have a gross vehicle weight rating of
12 more than ten thousand pounds with a seat belt
13 assembly, as defined in section 286- , at each
14 designated seating position;

15 (3) A provision requiring periodic refurbishment of school
16 buses over ten years old; and

17 (4) Any other provisions as may be deemed necessary by the
18 State for the safety of school bus passengers and
19 shall include provisions requiring compliance with the
20 rules and standards described in section 286-181."



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

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

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INTRODUCED BY:

Will Zygo
Michelle Fedani
Clementine Nicholas
Mike Gebbia
Franne Cronin Callahan



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Report Title:

School Buses; Seat Belts

Description:

Requires all school buses with a gross vehicle weight rating of more than ten thousand pounds purchased, leased, or contracted for use by the State as of July 1, 2018, and thereafter, to be equipped with a seat belt assembly at each designated seating position.

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