

JAN 20 2017

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 On November 21, 2016, in Chattanooga, Tennessee, a school
2 bus carrying thirty-five children lost control and crashed into
3 a tree. Five children were killed and more than twenty were
4 hospitalized.

5 After the accident in Tennessee, CBS Evening News reported
6 that "only California, Florida, Louisiana, New Jersey, New York
7 and Texas have seat belt laws for large buses. Ten states -
8 Arizona, Connecticut, Hawaii, Indiana, Maryland, Massachusetts,
9 Oklahoma, Rhode Island, South Carolina and West Virginia -
10 considered seat belt legislation in 2016 but none enacted it[.]"
11 Recently, lawmakers in Indiana, where a bus carrying a high
12 school basketball team was sideswiped and overturned in March,
13 passed a resolution supporting a study of the issue.

14 Opponents of seat belts on large school buses argue that
15 strong, well-padded, energy absorbing seats and higher seat
16 backs compartmentalize passengers during a crash, thereby
17 providing adequate safety in frontal crashes. However, a
18 comprehensive, in-depth study in 1989 by the Transportation
19 Research Board found that the inclusion of seat belts on
20 compartmentalized school buses provides additional crash
21 protection. Furthermore, a National Highway Traffic Safety



1 Administration study found that approximately one-third of the
2 fatal crashes between 1977 and 1992 occurred from non-frontal
3 and rollover crashes. Compartmentalization is not designed to
4 provide protection from non-frontal and rollover crashes. Crash
5 test and case study data indicate that seat belts provide
6 improved crash protection and are especially beneficial in side-
7 impact and rollover school bus accidents. As such, the National
8 Highway Traffic Safety Administrator has called for a three-
9 point seat belt on every bus. The Administrator has stated that
10 "[s]chool buses should have seat belts. Period. It should be
11 utterly uncontroversial - there is no question that seat belts
12 offer improved safety."

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



1 The legislature finds that states can require and equip
2 school buses to meet a higher safety standard than established
3 under federal law.

4 The purpose of this Act is to require all school buses
5 purchased, leased, or contracted for use by the State as of
6 July 1, 2019, to be equipped with seat belt assemblies at all
7 designated seating positions.

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

11 "§286- School bus safety. (a) Notwithstanding any
12 other law to the contrary:

13 (1) All school buses with a gross vehicle weight rating of
14 more than ten thousand pounds purchased, leased, or
15 contracted for use by the State as of July 1, 2019,
16 and thereafter, shall be equipped with a seat belt
17 assembly at each designated seating position; and

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



1 (b) As used in this section:

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

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

7 (c) The department of transportation shall adopt rules,
8 pursuant to chapter 91, necessary to effectuate the purposes of
9 this section.

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

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

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

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

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



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

5 (2) A provision requiring the contractor to equip, as of
6 July 1, 2019, and thereafter, the contractor's
7 vehicles that have a gross vehicle weight rating of
8 more than ten thousand pounds with a seat belt
9 assembly, as defined in section 286- , at each
10 designated seating position;

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

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

17 SECTION 4. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



S.B. NO. 172

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

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INTRODUCED BY: Will Lyvo
Imaine R. Brown
Will
Breene Hunt
Tommy [unclear]



S.B. NO. 172

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, 2019, and thereafter, to be equipped with a seat belt assembly at each designated seating position.

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