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## A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

1           SECTION 1. Chapter 291, Hawaii Revised Statutes, is  
2 amended by adding a new section to part II to be appropriately  
3 designated and to read as follows:

4           "§291- Pickup trucks; seat belts required. (a) Any  
5 pickup truck that is sold, offered for sale, purchased, or  
6 operated in the State shall be equipped with a seat belt  
7 assembly in the bed or open cargo area of the pickup truck;  
8 provided that this section shall not apply to any pickup truck  
9 manufactured before January 1, 2022.

10           (b) As used in this section:

11           "Pickup truck" means a motor vehicle that has:

12           (1) A passenger compartment and a bed or open cargo area  
13           with sides and a tailgate to retain the contents of  
14           the bed or open cargo area; and

15           (2) A maximum gross vehicle weight rating (GVWR) of 11,000  
16           pounds or less.



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1       "Seat belt assembly" shall have the same meaning as that  
2 term is defined in section 291-11.6."

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

5       "(a) Except as otherwise provided by law, no person shall  
6 operate [a]:

7       (1) Any motor vehicle commonly known as a pickup truck  
8 upon any public highway unless:

9       (A) The person is restrained by a seat belt assembly;

10       (B) All passengers in the cab are restrained by a  
11 seat belt assembly;

12       (C) All passengers under eight years of age are  
13 restrained pursuant to section 291-11.5; and

14       (D) All passengers in the bed or load-carrying area  
15 of the pickup truck are restrained by a seat belt  
16 assembly if the pickup truck is equipped with a  
17 seat belt assembly pursuant to section 291- ;

18       or

19       (2) Any other motor vehicle upon any public highway unless  
20 [the]:



1           (A) The person is restrained by a seat belt assembly  
2                           ~~[and all]~~;

3           (B) All passengers in the front or back seat of the  
4                           motor vehicle are restrained by a seat belt  
5                           assembly ~~[or]~~; and

6           (C) All passengers under eight years of age are  
7                           restrained pursuant to section 291-11.5 ~~[if under~~  
8                           ~~eight years of age]~~.

9           As used in this section:

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

12           "Seat belt assembly" means the seat belt assembly that is  
13 required to be in the motor vehicle under any federal motor  
14 vehicle safety standard issued pursuant to Public Law 89-563,  
15 the National Traffic and Motor Vehicle Safety Act of 1966, as  
16 amended, or that is required to be in a pickup truck pursuant to  
17 section 291- , unless original replacement seat belt  
18 assemblies are not readily available. If replacement assemblies  
19 are not readily available, seat belts of federally approved  
20 materials with similar protective characteristics may be used.  
21 Such replacement seat belt assemblies shall be permanently



1 marked by the belt manufacturer indicating compliance with all  
2 applicable federal standards."

3 SECTION 3. Section 291-14, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) No person shall stand in the bed or load-carrying  
6 area of any motor vehicle commonly known as a pickup truck while  
7 the vehicle is in operation. No person shall sit in the bed or  
8 load-carrying area of any pickup truck equipped with a seat belt  
9 assembly pursuant to section 291- unless restrained by a seat  
10 belt assembly pursuant to section 291-11.6. No operator of any  
11 pickup truck shall operate the vehicle with a passenger seated  
12 in the bed or load-carrying area of the vehicle unless:

- 13 (1) There is no seating available in the cab of the  
14 vehicle;
- 15 (2) The side racks of the vehicle are securely attached  
16 and the tailboard or tailgate is securely closed; and
- 17 (3) Every passenger in the bed or load-carrying area of  
18 the vehicle is seated on the floor and does not  
19 attempt to control unlashed cargo."



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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: *Linda Lehman*

JAN 14 2020



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**Report Title:**

Pickup Trucks; Truck Beds; Seat Belts; Exceptions

**Description:**

Requires every pickup truck manufactured after 12/31/2021 that is sold, offered for sell, purchased, or operated in the State to be equipped with a seat belt assembly in the bed of the pickup truck. Prohibits any passenger from riding in the bed or load-carrying area of a pickup truck manufactured after 12/31/2021 without being restrained by a seat belt assembly.

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

