

STAND. COM. REP. NO. 1067

Honolulu, Hawaii

MAR 23 2021

RE: H.B. No. 1090
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 1090, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINTS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend the requirements for the restraint of child passengers; and
- (2) Increase certain fines for violations.

Your Committee received testimony in support of this measure from the Department of Transportation; Hawaii Strategic Highway Safety Plan; Honolulu Police Department; Kapi'olani Medical Center for Women and Children; Juvenile Products Manufacturers Association, Inc.; AAA Hawai'i; and Keiki Injury Prevention Coalition. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice.

Your Committee finds that motor vehicle injuries are one of the leading causes of death among children. The best way to save lives and reduce injuries in the event of an automobile collision is to ensure the use of age and size appropriate car seats, booster seats, and seat belts. This measure will better protect



children by placing them in a safer seating position within the vehicle and securely seated in an appropriate child restraint seat for an increased period of time.

Your Committee has amended this measure by:

- (1) Restoring language to preclude contributory negligence, comparative negligence, and negligence per se arguments from being raised as a defense to failure to properly restrain a child in a child restraint seat; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1090, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1090, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,




CHRIS LEE, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Transportation
TRS

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1090 HD1	TRS, JDC/WAM	3/18/2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
LEE, Chris (C)	✓			
INOUYE, Lorraine R. (VC)				✓
ENGLISH, J. Kalani	✓			
SHIMABUKURO, Maile S.L.	✓			
FEVELLA, Kurt	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; margin-top: 10px;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes