A BILL FOR AN ACT

RELATING TO CHILD PASSENGER RESTRAINTS.

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

1	SECTION 1.	Section	291-11.5,	Hawaii	Revised	Statutes,	is
2	amended to read	as follo	ws:				

3 "§291-11.5 Child passenger restraints. (a) Except as
4 otherwise provided in this section, no person operating a motor
5 vehicle on a public highway in the State shall transport a child
6 under [eight] ten years of age except under the following
7 circumstances:

8	(1)	If th	<u>e</u> chi	ld is	under	two	years d	of age,	the pe	erson
9		opera	ting (the m	otor v	ehicl	e shall	l ensure	e that	the

10 child is properly restrained in a rear-facing child

- 11passenger restraint system with harness that meets12federal motor vehicle safety standards at the time of
- 13 its manufacture;

14 [(1)] (2) If the child is [under] two years of age or
15 older, but less than four years of age, the person
16 operating the motor vehicle shall ensure that the
17 child is properly restrained in a rear-facing or
18 forward-facing child passenger restraint system with
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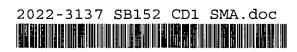
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1 harness that meets federal motor vehicle safety 2 standards at the time of its manufacture; [or 3 (2)] (3) If the child is four years of age or older but 4 less than [eight] ten years of age, the person 5 operating the motor vehicle shall ensure that the child is properly restrained in a child [safety seat] 6 7 passenger restraint system with harness or booster 8 seat that meets federal motor vehicle safety standards 9 at the time of its manufacture; except as provided in 10 paragraph [(3); and] (4); or 11 [(3)] (4) If the child is [four] seven years of age or 12 older but less than [eight] ten years of age, the 13 person operating the motor vehicle shall be exempt 14 from [properly] restraining the child in a child 15 [safety seat] passenger restraint system with harness 16 or booster seat that meets federal motor vehicle 17 safety standards at the time of manufacture if the 18 child is correctly restrained by a lap and shoulder 19 seat belt assembly [and: 20 (A) Over]; provided that the child is over four feet 21 and nine inches in height [; or

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1	(B) Over forty pounds and traveling in a motor
2	vehicle equipped only with lap belts, without
3	shoulder straps, in the back seat].
4	(b) Operators of the following motor vehicles shall be
5	exempt from the requirements of this section: emergency,
6	commercial, and mass transit vehicles. Further exemptions from
7	this section may be established by the department of
8	transportation pursuant to rules adopted under chapter 91.
9	[(c) This section shall not apply if the number of persons
10	in a vehicle exceeds the greater of the following:
11	(1) The number of seat belt-assemblies-available-in-the
12	vehicle; or
13	(2) The number of seat belt assemblies originally
14	installed in the vehicle;
15	provided that all-available seat belt assemblies are being-used
16	to-restrain a passenger, and those children not restrained by an
17	approved child passenger restraint system, a child safety seat,
18	a booster seat, or a seat belt assembly are in the back seat of
19	the motor vehicle.
20	(d) In no event shall failure to restrain a child under
21	the age of eight years as required by this section be considered



1	contributory-negligence, comparative negligence, or negligence
2	per-se.
3	(c) Violation of this section shall be considered an
4	offense as defined under section 701-107(5) and shall subject
5	the violator to the following penalties:
6	(1) For a first conviction, the person shall:
7	(A) Be fined not more than \$100;
8	(B) Be required by the court to attend a child
9	passenger restraint system safety class
10	[conducted] approved by the judiciary's division
11	of driver education; provided that:
12	(i) The class may include video conferences as
13	determined by the administrator of the
14	division of driver education as an
15	alternative method of education; and
16	(ii) The class shall not exceed four hours;
17	(C) Pay a \$50 driver education assessment as provided
18	in section 286G-3;
19	(D) Pay a \$10 surcharge to be deposited into the
20	neurotrauma special fund; and

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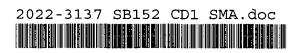
1		(E)	Pay up to a \$10 surcharge to be deposited into
2			the trauma system special fund if the court so
3			orders;
4	(2)	For	a conviction of a second offense committed within
5		thre	e years of any other conviction under this
6		sect	ion, the person shall:
7		(A)	Be fined not less than [\$100] <u>\$250</u> but not more
8			than [\$200;] <u>\$500;</u>
9		(B)	Be required by the court to attend a child
10			passenger restraint system safety class not to
11			exceed four hours in length [conducted] <u>approved</u>
12			by the judiciary's division of driver education
13			if the person has not previously attended such a
14			class;
15		(C)	Pay a \$50 driver education assessment as provided
16			in section 286G-3 if the person has not
17			previously attended a child passenger restraint
18			system safety class [conducted] <u>approved</u> by the
19			judiciary's division of driver education;
20		(D)	Pay a \$10 surcharge to be deposited into the
21			neurotrauma special fund; and



1		(E)	Pay up to a \$10 surcharge to be deposited into
2			the trauma system special fund if the court so
3			orders; and
4	(3)	For	a conviction of a third or subsequent offense
5		comm	itted within three years of any other conviction
6		unde	r this section, the person shall:
7		(A)	Be fined not less than $[\$200]$ $\$500$ but not more
8			than [\$500;] <u>\$800;</u>
9		(B)	Be required by the court to attend a child
10			passenger restraint system safety class not to
11			exceed four hours in length [conducted] <u>approved</u>
12			by the judiciary's division of driver education
13			if the person has not previously attended such a
14			class;
15		(C)	Pay a \$50 driver education assessment as provided
16			in section 286G-3 if the person has not
17			previously attended a child passenger restraint
18			system safety class [conducted] <u>approved</u> by the
19			judiciary's division of driver education;
20		(D)	Pay a \$10 surcharge to be deposited into the
21			neurotrauma special fund; and



1	(E) Pay up to a \$10 surcharge to be deposited into					
2	the trauma system special fund if the court so					
3	orders.					
4	[(f)] <u>(d)</u> As used in this section:					
5	"Commercial vehicle" means any motor vehicle that is being					
6	used for the transportation of persons for hire, compensation,					
7	or profit.					
8	"Emergency vehicle", "mass transit vehicle", "restrained",					
9	and "seat belt assembly" shall have the same meaning as provided					
10	in section 291-11.6."					
11	SECTION 2. Section 291-11.6, Hawaii Revised Statutes, is					
12	amended by amending subsection (a) to read as follows:					
13	"(a) Except as otherwise provided by law, no person shall					
14	operate a motor vehicle upon any public highway unless the					
15	person is restrained by a seat belt assembly and all passengers					
16	in the front or back seat of the motor vehicle are restrained by					
17	a seat belt assembly or are restrained pursuant to section					
18	291-11.5 if they are under [eight] <u>ten</u> years of age."					
19	SECTION 3. Statutory material to be repealed is bracketed					
20	and stricken. New statutory material is underscored.					
21	SECTION 4. This Act shall take effect upon its approval.					



Report Title: Child Passenger Restraints; Requirements; Penalties

Description:

Amends requirements for the restraint of child passengers. Requires a rear-facing child passenger restraint system with harness for children under two years of age. Repeals exceptions for compliance. Raises certain fines for violations. (CD1)

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

