

S.B. NO. 3186

JAN 24 2024

A BILL FOR AN ACT

RELATING TO PUPIL TRANSPORTATION SAFETY.

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

1 SECTION 1. Section 286-102, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) A person operating the following category or
4 combination of categories of motor vehicles shall be examined as
5 provided in section 286-108 and duly licensed by the examiner of
6 drivers:

7 (1) Mopeds;

8 (2) Motorcycles, except for autocycles as described in
9 paragraph (2) of the definition of "motorcycle" in
10 section 286-2, and motor scooters;

11 (3) Passenger cars of any gross vehicle weight rating,
12 buses designed to transport fifteen or fewer
13 occupants, trucks and vans having a gross vehicle
14 weight rating of eighteen thousand pounds or less, and
15 autocycles as described in paragraph (2) of the
16 definition of "motorcycle" in section 286-2; and

17 (4) All of the motor vehicles in category (3) and any
18 vehicle that is not a commercial motor vehicle.

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1 A school bus [~~or~~], small bus, motorcoach, or van operator
2 shall be properly licensed to operate the category of vehicles
3 that the operator operates as a school bus, small bus,
4 motorcoach, or van and shall comply with the standards of the
5 department of transportation as provided by rules adopted
6 pursuant to section 286-181."

7 SECTION 2. Section 286-181, Hawaii Revised Statutes, is
8 amended by amending subsections (b), (c), (d), and (e) to read
9 as follows:

10 "(b) The department of transportation shall grant
11 exemptions for the use of vehicles other than school vehicles,
12 such as motorcoaches, small buses, and vans, when the department
13 finds that compliance with this section is:

14 (1) Impractical due to the unavailability of school
15 vehicles; or

16 (2) Impractical due to economic factors.

17 No exemption shall be granted for the qualifications of
18 individuals driving a bus as defined in section 286-2 and such
19 individuals shall meet school vehicle driver qualifications.

20 (c) The exemptions in subsection (b) shall be granted:

21 (1) To the department of education to administer to public
22 schools based on criteria developed by the departments

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1 of transportation and education; provided that the
2 department of education shall submit a report to the
3 department of transportation at the end of each school
4 year on the extent to which these exemptions were
5 utilized;

6 (2) To a board of independent schools, which is registered
7 with the department of commerce and consumer affairs,
8 to administer to private schools utilizing criteria
9 developed by the departments of transportation and
10 education; provided that the board shall submit a
11 report to the department of transportation at the end
12 of each school year on the extent to which these
13 exemptions were utilized;

14 (3) [~~Only for~~] For the transport of pupils to and from
15 school functions or school-related activities [~~but~~
16 ~~not~~] and for transportation to and from a school;

17 (4) Only when each pupil being transported has obtained a
18 written statement from the pupil's parent or legal
19 guardian waiving the State's liability; and

20 (5) In accordance with the procedures and criteria
21 established by rules of the department of
22 transportation.

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1 (d) The department of transportation may grant exemptions
2 for the use of vehicles other than school vehicles [~~for the~~
3 ~~transportation of students requiring special education and~~
4 ~~services~~], including the use of motorcoaches, small buses, and
5 vans that may not meet school bus regulations but that shall
6 otherwise meet vehicle requirements and qualifications set forth
7 in chapter 19-143, Hawaii Administrative Rules, for school bus
8 services, when the department of education, by adult staff
9 chaperone, escorts students being transported between designated
10 locations off-campus and designated locations on-campus when the
11 department of transportation finds that compliance with this
12 section is impossible or impractical; provided that no exemption
13 shall be granted for the qualifications of individuals driving a
14 bus as defined in section 286-2 and such individuals shall meet
15 school vehicle driver qualifications.

16 (e) The department of transportation shall adopt safety
17 rules and standards relating to school vehicles, equipment, and
18 drivers, including but not limited to:

- 19 (1) School vehicle and school vehicle equipment design,
20 construction, and identification;
- 21 (2) School vehicle driver qualification and training as
22 required by law;

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1 (3) School vehicle operation;
2 (4) School vehicle maintenance and maintenance records;
3 (5) Special school vehicle safety inspections;
4 (6) Criteria for passenger loading and unloading safety
5 areas; and
6 (7) Procedures and criteria for the granting of exemptions
7 permitted under subsections (b), (c), and (d);
8 provided that the rules and standards shall permit the use of
9 small buses [~~or~~], vans [~~weighing less than ten thousand pounds~~],
10 or motorcoaches for the transportation of pupils of a day care
11 center, child care facility, headstart program, [~~and~~] preschool,
12 kindergarten, elementary, or secondary school, public or
13 private, including any special school for children in the State,
14 with the department of education providing adult staff chaperone
15 escorts while students are being transported between designated
16 locations off-campus and designated locations on-campus or of
17 school pupils and school staffs to and from school-related
18 activities."

19 SECTION 3. Section 286-181, Hawaii Revised Statutes, is
20 amended by amending subsection (i) to read as follows:

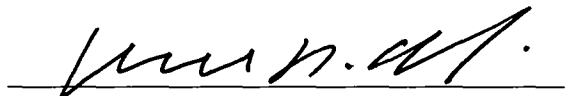
21 "(i) As used in subsection (b), a school vehicle is
22 unavailable when it:

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- 1 (1) Is being used during a specific time for contracted
- 2 school-related transportation to and from school or
- 3 related destinations;
- 4 (2) Fails that day's inspection and has not been repaired;
- 5 (3) Is already in transportation service; or
- 6 (4) Is committed for transportation service [~~;~~ ~~or~~
- 7 ~~(5) Does not meet the requests of a school for a~~
- 8 ~~motorcoach with undercarriage storage compartments and~~
- 9 ~~public address system; provided that the use of the~~
- 10 ~~motorcoach shall be used solely for the transportation~~
- 11 ~~of middle intermediate or high school student groups~~
- 12 ~~to and from school related events or activities. As~~
- 13 ~~used in this paragraph, "motorcoach" means a vehicle~~
- 14 ~~that carries more than twenty five passengers, has a~~
- 15 ~~gross vehicle weight rating of at least 26,000 pounds,~~
- 16 ~~and is no more than fifteen years old]."~~

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.

21 INTRODUCED BY: 

22 BY REQUEST

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Report Title:

Pupil Transportation Safety

Description:

Amends sections 286-102 and 286-181, HRS, to allow the exemptions to include use of motorcoaches, small buses, and vans for the school bus services, which may not meet school bus regulations but which shall otherwise meet vehicle requirements and qualifications set forth in chapter 19-143, Hawaii Administrative Rules, to the extent required by the Department of Transportation and the Department of Education, with the Department of Education providing Department of Education adult staff chaperone escorts of students while students are being transported between designated locations off-campus and designated locations on-campus.

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

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JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO PUPIL TRANSPORTATION SAFETY.

PURPOSE: To permit the use of motorcoach, small buses, and vans as exemptions to school vehicles, which may not meet school bus regulations but which shall otherwise meet vehicle requirements and qualifications set forth in chapter 19-143, Hawaii Administrative Rules, to the extent required by the Department of Transportation and the Department of Education, with the Department of Education providing Department of Education adult staff chaperone escorts of students while students are being transported between designated locations off-campus and designated locations on-campus.

MEANS: Amend sections 286-102(b) and 286-181(b)-(e) and (i), Hawaii Revised Statutes (HRS).

JUSTIFICATION: This bill is necessary to provide pupil transportation. There is a shortage of school bus drivers able to provide services to the Department of Education and certain independent schools, which shortage has resulted in the Department of Education and certain independent schools reducing school bus services for qualified students needing transportation to and/or from school.

School bus services are an instrumental component to supporting fulfillment of the State's compulsory education laws that require school attendance for children between the ages of five and eighteen years.

Impact on the public: This bill promotes a solution to the school bus driver shortage to allow individuals transporting students on a small bus, motorcoach, or van between

designated locations off-campus and designated locations on-campus, and to do so with a valid commercial driver's license issued with a "P" endorsement under section 286-239(b)(4), HRS. Currently, individuals operating school buses must have a commercial driver's license with an "S" endorsement, providing for the authorization of driving school buses.

The proposed bill will provide for needed and timely access to and/or from school for a certain portion of students in the State.

Impact on the department and other agencies:
To allow individuals transporting students on a small bus, motorcoach, or van between designated locations off-campus and designated locations on-campus to do so with a valid commercial driver's license issued with a "P" endorsement under section 286-239(b)(4), HRS. Currently, individuals operating school buses must have a commercial driver's license with an "S" endorsement, providing for the authorization of driving school buses.

GENERAL FUND:	None.
OTHER FUNDS:	None.
PPBS PROGRAM DESIGNATION:	TRN 595.
OTHER AFFECTED AGENCIES:	Department of Education.
EFFECTIVE DATE:	Upon approval.