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## A BILL FOR AN ACT

RELATING TO TRANSPORTATION SERVICES.

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

1       SECTION 1. The legislature finds that the availability of  
2 school bus services is essential to student attendance. School  
3 bus services are particularly crucial for families who live in  
4 rural and remote areas, as well as students who come from  
5 socioeconomically disadvantaged communities. Currently, there  
6 is a nationwide shortage of school bus drivers. This shortage  
7 is impacting the State, forcing the suspension or partial  
8 suspension of school bus services to central Oahu and east  
9 Hawaii island. In the 2024-2025 school year, a total of one  
10 hundred thirty-eight routes were temporarily suspended,  
11 affecting nearly three thousand seven hundred twenty students  
12 who signed up for bus transportation.

13       The legislature further finds that, to address the shortage  
14 of school bus drivers in Hawaii, the governor issued an  
15 emergency proclamation in August 2024 to allow the department of  
16 transportation to grant exemptions for the use of vehicles other  
17 than school buses to transport students. Specifically, this and



1 subsequent related emergency proclamations allow for the  
2 transport of students using vehicles other than school vehicles  
3 by drivers possessing a commercial driver's license with an  
4 endorsement authorizing the driving of vehicles carrying  
5 passengers. The legislature believes that making this exemption  
6 permanent may help alleviate the lack of school bus drivers.

7 The purpose of this Act is to ensure that certain  
8 provisions of the governor's August 2024 emergency proclamation  
9 on school bus services is placed into statute by authorizing the  
10 use of motorcoaches, small buses, and vans for school bus  
11 services; provided certain conditions are met.

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

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

18 (1) Mopeds;

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



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

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

9           A school bus, small bus, motorcoach, or van operator shall  
10          be properly licensed to operate the category of vehicles that  
11          the operator operates as a school bus, small bus, motorcoach, or  
12          van and shall comply with the standards of the department of  
13          transportation as provided by rules adopted pursuant to section  
14          286-181."

15          SECTION 3. Section 286-181, Hawaii Revised Statutes, is  
16          amended as follows:

17          1. By amending subsections (b) through (e) to read:

18          "(b) The department of transportation shall grant  
19          exemptions for the use of vehicles other than school vehicles,  
20          including motorcoaches, small buses, and vans, when the  
21          department finds that compliance with this section is:



1           (1)    Imprecactical due to the unavailability of school  
2                   vehicles; or

3           (2)    Imprecactical due to economic factors.

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

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

8           (1)    To the department of education to administer to  
9                   ~~[public]~~ department schools based on criteria  
10                   developed by the departments of transportation and  
11                   education; provided that the department of education  
12                   shall submit a report to the department of  
13                   transportation at the end of each school year on the  
14                   extent to which these exemptions were ~~[utilized;]~~  
15                   used;

16           (2)    To the state public charter school commission to  
17                   administer public charter schools based on criteria  
18                   developed by the departments of transportation and  
19                   education; provided that the state public charter  
20                   school commission shall submit a report to the  
21                   department of transportation at the end of each school



1           year on the extent to which these exemptions were  
2           used;

3       ~~[(2)]~~ (3) To a board of independent schools, which is  
4           registered with the department of commerce and  
5           consumer affairs, to administer to private schools  
6           utilizing criteria developed by the departments of  
7           transportation and education; provided that the board  
8           shall submit a report to the department of  
9           transportation at the end of each school year on the  
10          extent to which these exemptions were utilized;

11       ~~[(3) Only for]~~ (4) For the transport of pupils to and from  
12          school functions or school-related activities ~~[but~~  
13          ~~not]~~, for transportation to and from a school, and  
14          for transportation to and from designated drop off  
15          locations and pick up locations established by the  
16          department of education, in consultation with the  
17          department of transportation;

18       ~~[(4)]~~ (5) Only when each pupil being transported has  
19          obtained a written statement from the pupil's parent  
20          or legal guardian waiving the State's liability; and



1        [+5)] (6) In accordance with the procedures and criteria  
2                established by rules of the department of  
3                transportation.

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



1 in section 286-2 and such individuals shall meet school vehicle  
2 driver qualifications.

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

6 (1) School vehicle and school vehicle equipment design,  
7 construction, and identification;

8 (2) School vehicle driver qualification and training as  
9 required by law;

10 (3) School vehicle operation;

11 (4) School vehicle maintenance and maintenance records;

12 (5) Special school vehicle safety inspections;

13 (6) Criteria for passenger loading and unloading safety  
14 areas; and

15 (7) Procedures and criteria for the granting of exemptions  
16 permitted under subsections (b), (c), and (d);

17 provided that the rules and standards shall permit the use of  
18 small buses ~~[or]~~, vans ~~[weighing less than ten thousand pounds]~~,  
19 or motorcoaches for the transportation of pupils of a public or  
20 private day care center, child care facility, headstart program,  
21 [and] preschool, kindergarten, elementary, or secondary school,



1 including any special school for children in the State with an  
2 accompanying adult staff chaperone escort provided by the  
3 department of education for students transported between  
4 designated locations off-campus and designated locations  
5 on-campus or of school pupils and school staffs to and from  
6 school-related activities."

7 2. By amending subsection (i) to read:

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

10 (1) Is being used during a specific time for contracted  
11 school-related transportation to and from school or  
12 related destinations;

13 (2) Fails that day's inspection and has not been repaired;

14 (3) Is already in transportation service; or

15 (4) Is committed for transportation service[; ~~or~~

16 ~~(5) Does not meet the requests of a school for a~~

17 ~~motorcoach with undercarriage storage compartments and~~

18 ~~public address system; provided that the use of the~~

19 ~~motorcoach shall be used solely for the transportation~~

20 ~~of middle, intermediate, or high school student groups~~

21 ~~to and from school-related events or activities. As~~





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1        ~~used in this paragraph, "motorcoach" means a vehicle~~  
2        ~~that carries more than twenty-five passengers, has a~~  
3        ~~gross vehicle weight rating of at least 26,000 pounds,~~  
4        ~~and is no more than fifteen years old]."~~

5        SECTION 4. Statutory material to be repealed is bracketed  
6        and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

*Twish G. Chica*  
JAN 21 2025



# H.B. NO. 862

**Report Title:**

Department of Transportation; Department of Education; State Public Charter School Commission; School Bus Services; Student Transportation; Small Buses, Motorcoaches, and Vans

**Description:**

Authorizes the use of motorcoaches, small buses, and vans for school bus services if certain conditions are met.

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

