

A Bill for an Act Relating to Pupil Transportation Safety.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 296-47, Hawaii Revised Statutes, is repealed.

SECTION 2. Chapter 286, Hawaii Revised Statutes, is amended by adding a new section to be appropriately numbered and to read:

“Sec. 286- Pupil transportation safety. (a) As used in this section ‘school vehicle’ means any publicly or privately owned motor vehicle used to transport pupils to and from school except a motor vehicle used for:

- (1) The transportation of pupils attending schools above the twelfth grade or pupils over eighteen years of age;
- (2) The transportation of pupils in a privately owned passenger car provided that such transportation is provided without compensation of any kind; or
- (3) The transportation of pupils together with other passengers as a part of the regularly scheduled operation of a common carrier.

(b) The department of education shall have primary administrative responsibility and authority to determine, adopt and execute safety standards and safety regulations relating to the transportation of pupils by a school vehicle.

(c) The department of education shall adopt necessary rules and regulations governing:

- (1) School vehicle and school vehicle equipment design, construction and identification;
- (2) School vehicle driver training and qualification;

- (3) School vehicle passenger safety instruction;
- (4) School vehicle operation safety;
- (5) School vehicle passenger loading and unloading area safety;
- (6) School vehicle maintenance safety; and
- (7) Special school vehicle safety inspections.

(d) Any person operating a school vehicle who fails to comply with any rule or regulation adopted pursuant to this section shall be fined not more than \$500 or imprisoned not more than six months, or both.

(e) The executive officer of each county or his authorized representative shall be responsible for enforcement of the regulations adopted by the department of education pursuant to subsection (c). The police department of the county shall assist in the enforcement program exercising its authority as established under existing law which shall, wherever appropriate, be applicable to school vehicles for purposes of this section.”

SECTION 3. In order to implement this Act, the Superintendent of Education may initiate organizational changes and reclassify existing positions subject to approval by the Governor.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.*

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

(Approved May 7, 1973.)

*Edited accordingly.