
A BILL FOR AN ACT

RELATING TO SCHOOL BUSES.

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

1 SECTION 1. The legislature finds that federal and state
2 laws require certain motor vehicle drivers and passengers to use
3 seat belts because seat belts provide a measure of protection
4 during accidents. Passenger cars, light trucks, and vans are
5 required under federal law to have seat belts at all designated
6 seating positions. However, neither federal nor Hawaii law
7 requires seat belts on school buses that have a gross vehicle
8 weight rating of more than ten thousand pounds, which is the
9 standard weight of a large school bus.

10 Despite increased federal standards for school bus
11 passenger safety and crash protection, there are still thousands
12 of injuries to children throughout the country each year due to
13 school bus accidents. Children can suffer both minor and
14 serious injuries to their head, neck, back, and stomach when
15 striking the roof, windows, seat backs, and other school bus
16 passengers during crashes. As recently as November, 2016,
17 deadly school bus accidents such as one in Chattanooga,



1 Tennessee, which took the lives of five children, have drawn
2 attention to the longstanding issue of the safety of school
3 buses that transport thousands of students daily.

4 Opponents of seat belts on large school buses argue that
5 strong, well-padded, energy absorbing seats and higher seat
6 backs compartmentalize passengers during a crash, thereby
7 providing adequate safety in frontal crashes. However, a
8 comprehensive, in-depth study in 1989 by the Transportation
9 Research Board found that seat belts provide additional crash
10 protection on compartmentalized school buses. Furthermore, a
11 National Highway Traffic Safety Administration study found that
12 approximately one-third of the fatal crashes between 1977 and
13 1992 were non-frontal crashes. Compartmentalization is not
14 designed to provide protection from these types of crashes.
15 Most school bus fatalities occur in rollovers. Crash test and
16 case study data indicate that seat belts provide improved crash
17 protection and are especially beneficial in side-impact and
18 rollover school bus accidents.

19 Seat belts reduce other types of injuries by restraining
20 children who may otherwise be out of their seats. This also
21 helps improve passenger behavior and reduces distractions to



1 school bus drivers. In addition, seat belts provide other
2 important benefits, such as educating children about seat belt
3 use and reinforcing seat belt use in motor vehicles.

4 States can require and equip school buses to meet a higher
5 safety standard than established under federal law. California,
6 Florida, Louisiana, New Jersey, and New York have already
7 enacted legislation to mandate seat belts on large school buses.

8 The purpose of this Act is to:

- 9 (1) Require all school buses imported into the State after
10 June 30, 2018, to be fitted with a seat belt assembly
11 at all designated seating positions;
- 12 (2) Require the department of education to adopt rules
13 requiring the use of seat belt assemblies on school
14 buses; and
- 15 (3) Require bus contractors to equip every existing school
16 bus with a seat belt assembly at all designated
17 seating positions by July 1, 2028.

18 SECTION 2. Chapter 286, Hawaii Revised Statutes, is
19 amended by adding a new section to part IX to be appropriately
20 designated and to read as follows:



1 "§286- School bus safety. (a) Notwithstanding any
2 other law to the contrary:

3 (1) All school buses with a gross vehicle weight rating of
4 more than ten thousand pounds imported into the State
5 after June 30, 2018, shall be equipped with a seat
6 belt assembly at each designated seating position; and

7 (2) No certificate of inspection shall be issued
8 under section 286-26 or section 286-181(e) for a
9 school bus with a gross vehicle weight rating of more
10 than ten thousand pounds unless the school bus is in
11 compliance with this subsection.

12 (b) The department of transportation and the department of
13 education, as appropriate, shall adopt rules necessary to
14 effectuate the purposes of this section, including rules:

15 (1) Requiring the use of seat belt assemblies by pupils on
16 school buses; and

17 (2) Providing appropriate discipline for any pupil who
18 fails to comply with any rule adopted regarding the
19 use of a seat belt assembly on a school bus.

20 (c) As used in this section:

21 "School bus" has the same meaning as in section 286-231.



1 "Seat belt assembly" means a seat belt including a lap and
 2 shoulder harness belt that is in compliance with all applicable
 3 federal standards and installed by or pursuant to the
 4 specifications of the seat belt assembly manufacturer."

5 SECTION 3. Section 302A-407, Hawaii Revised Statutes, is
 6 amended by amending subsection (a) to read as follows:

7 "(a) Any school bus contract between the State and the
 8 contractor shall include [a]:

9 (1) A provision requiring the contractor to equip the
 10 contractor's vehicles with the signs and visual
 11 signals described in section 291C-95(d) and (g) [~~—The~~
 12 contract shall also include];

13 (2) A provision requiring the contractor to equip, by July
 14 1, 2028, the contractor's vehicles that have a gross
 15 vehicle weight rating of more than ten thousand
 16 pounds, with an operable seat belt assembly, as
 17 defined in section 286- , at each designated seating
 18 position;

19 (3) A provision requiring periodic refurbishment of school
 20 buses over ten years old; and



H.B. NO. 237

1 (4) Any other provisions as [~~may be~~] deemed necessary by
 2 the State for the safety of school bus passengers [~~and~~
 3 ~~shall include~~] including provisions requiring
 4 compliance with the rules and standards described in
 5 section 286-181."

6 SECTION 4. This Act does not affect rights and duties that
 7 matured, penalties that were incurred, and proceedings that were
 8 begun, before its effective date.

9 SECTION 5. Statutory material to be repealed is bracketed
 10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:



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JAN 19 2017



H.B. NO. 237

Report Title:

School Buses; Seat Belts

Description:

Requires school buses imported into Hawaii after June 30, 2018, to have seat belt assemblies and school bus contracts to require seat belt assemblies in all school buses by July 1, 2028. Applies only to school buses with gross vehicle weight of over 10,000 pounds. Requires DOT and DOE to adopt applicable rules.

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