

STAND. COM. REP. NO.

266

Honolulu, Hawaii

FEB 16 , 2021

RE: H.B. No. 1090

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1090 entitled:

"A BILL FOR AN ACT RELATING TO CHILD PASSENGER RESTRAINTS,"

begs leave to report as follows:

The purpose of this measure is to amend the requirements for child passenger restraints in motor vehicles by:

- (1) Requiring rear-facing child safety seats for children less than two years of age;
- (2) Requiring rear-facing or forward-facing child safety seats for children at least two years of age but less than four years of age;
- (3) Requiring the use of child safety seats or booster seats for certain children at least four years of age but less than seven years of age;
- (4) Requiring the use of child safety seats or booster seats for certain children at least seven years of age but less than ten years of age;
- (5) Repealing an exemption for when the number of persons in a vehicle exceeds the greater of the number of seat belt

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assemblies available or originally installed in the vehicle;

- (6) Repealing language that prohibited failure to restrain a child in accordance with law from being considered contributory negligence, comparative negligence, or negligence per se; and
- (7) Raising certain fines for violations.

Your Committee received testimony in support of this measure from the Department of Transportation, Honolulu Police Department, Safe Kids Hawaii at Kapiolani Medical Center for Women and Children, and Keiki Injury Prevention Coalition.

Your Committee finds that fifteen states have requirements that children under the age of two be in rear-facing car seats. The American Academy of Pediatrics recommends the use of rear-facing car seats for as long as possible, typically until the age of two as they are vulnerable to head and spinal injuries in a motor vehicle crash as their neck and skeleton are not capable of supporting them during a crash. This measure would reduce motor vehicle fatalities and serious injuries in the State.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1090 and recommends that it pass Second Reading and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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MARK M. NAKASHIMA, Chair



State of Hawaii  
House of Representatives  
The Thirty-first Legislature **HSCR 266**

**Record of Votes of the Committee on Judiciary & Hawaiian Affairs**

Bill/Resolution No.: <b>HB 1090</b>	Committee Referral: <b>JHA, FIN</b>	Date: <b>2-9-21</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris				✓
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene	✓			
<b>TOTAL (12)</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>1</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				