
A BILL FOR AN ACT

RELATING TO SCHOOL BUS 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 ten high schools on Oahu
9 and four schools on Kauai.

10 The legislature further finds that, to address the shortage
11 of school bus drivers in Hawaii, the governor issued an
12 emergency proclamation in August 2023 to allow the department of
13 transportation to grant exemptions for the use of vehicles other
14 than school buses to transport students. Specifically, this and
15 subsequent related emergency proclamations allow for the
16 transport of students using vehicles other than school vehicles
17 by drivers possessing a commercial driver's license with an



1 endorsement authorizing the driving of vehicles carrying
2 passengers. The legislature believes that making this exemption
3 permanent may help alleviate the lack of school bus drivers.

4 The purpose of this Act is to authorize the use of
5 motorcoaches, small buses, and vans for school bus services;
6 provided certain conditions are met.

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

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

13 (1) Mopeds;

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

17 (3) Passenger cars of any gross vehicle weight rating,
18 buses designed to transport fifteen or fewer
19 occupants, trucks and vans having a gross vehicle
20 weight rating of eighteen thousand pounds or less, and



1 autocycles as described in paragraph (2) of the
2 definition of "motorcycle" in section 286-2; and
3 (4) All of the motor vehicles in category (3) and any
4 vehicle that is not a commercial motor vehicle.

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

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

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

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

- 18 (1) Impractical due to the unavailability of school
19 vehicles; or
20 (2) Impractical due to economic factors.



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

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

5 (1) To the department of education to administer to public
6 schools based on criteria developed by the departments
7 of transportation and education; provided that the
8 department of education shall submit a report to the
9 department of transportation at the end of each school
10 year on the extent to which these exemptions were
11 utilized;

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

20 (3) [~~Only for~~] For the transport of pupils to and from
21 school functions or school-related activities [~~but~~



1 ~~not~~, for transportation to and from a school[+], and
2 for transportation to and from designated drop off
3 locations and pick up locations established by the
4 department of education, in consultation with the
5 department of transportation;

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

9 (5) In accordance with the procedures and criteria
10 established by rules of the department of
11 transportation.

12 (d) ~~[The]~~ Notwithstanding any law to the contrary, the
13 department of transportation may grant exemptions for the use of
14 vehicles other than school vehicles [~~for the transportation of~~
15 ~~students requiring special education and services], including~~
16 the use of motorcoaches, small buses, and vans, for school bus
17 services when the department of transportation finds that
18 compliance with this section is impossible or impractical;
19 provided that an adult staff chaperone provided by the
20 department of education escorts students being transported
21 between designated off-campus and designated on-campus



1 locations; provided further that no exemption shall be granted
2 for the qualifications of individuals driving a bus as defined
3 in section 286-2 and such individuals shall meet school vehicle
4 driver qualifications.

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

8 (1) School vehicle and school vehicle equipment design,
9 construction, and identification;

10 (2) School vehicle driver qualification and training as
11 required by law;

12 (3) School vehicle operation;

13 (4) School vehicle maintenance and maintenance records;

14 (5) Special school vehicle safety inspections;

15 (6) Criteria for passenger loading and unloading safety
16 areas; and

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

19 provided that the rules and standards shall permit the use of
20 small buses [~~or~~], vans [~~weighing less than ten thousand pounds~~],
21 or motorcoaches for the transportation of pupils of a public or



1 private day care center, child care facility, headstart program,
2 [and] preschool, kindergarten, elementary, or secondary school,
3 including any special school for children in the State with an
4 accompanying adult staff chaperone escort provided by the
5 department of education for students transported between
6 designated locations off-campus and designated locations
7 on-campus or of school pupils and school staffs to and from
8 school-related activities."

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

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

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

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

16 (3) Is already in transportation service; or

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

18 ~~(5) Does not meet the requests of a school for a~~
19 ~~motorcoach with undercarriage storage compartments and~~
20 ~~public address system; provided that the use of the~~
21 ~~motorcoach shall be used solely for the transportation~~



1 ~~of middle, intermediate, or high school student groups~~
2 ~~to and from school-related events or activities. As~~
3 ~~used in this paragraph, "motorcoach" means a vehicle~~
4 ~~that carries more than twenty-five passengers, has a~~
5 ~~gross vehicle weight rating of at least 26,000 pounds,~~
6 ~~and is no more than fifteen years old]."~~

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

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

10

INTRODUCED BY:

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JAN 18 2024



H.B. NO. 1767

Report Title:

Department of Transportation; Department of Education; 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.

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