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## A BILL FOR AN ACT

RELATING TO CHILD PASSENGER RESTRAINTS.

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

1           SECTION 1. Section 291-11.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§291-11.5 Child passenger restraints.** (a) Except as  
4 otherwise provided in this section, no person operating a motor  
5 vehicle on a public highway in the State shall transport a child  
6 [~~under eight~~] less than ten years of age except under the  
7 following circumstances:

8           (1) If the child is less than two years of age, the person  
9 operating the motor vehicle shall ensure that the  
10 child is properly restrained in a rear-facing child  
11 safety seat that meets federal motor vehicle safety  
12 standards at the time of its manufacture;

13           (2) If the child is [~~under~~] at least two years of age but  
14 less than four years of age, the person operating the  
15 motor vehicle shall ensure that the child is properly  
16 restrained in a [~~child passenger restraint system~~]  
17 rear-facing or forward-facing child safety seat that



1           has an internal harness and that meets federal motor  
2           vehicle safety standards at the time of its  
3           manufacture; [~~or~~  
4        ~~-(2)-~~] (3) If the child is at least four years of age [~~or~~  
5           ~~elder~~] but less than [~~eight~~] seven years of age, the  
6           person operating the motor vehicle shall ensure that  
7           the child is properly restrained in a child safety  
8           seat or booster seat that meets federal motor vehicle  
9           safety standards at the time of its manufacture[~~+~~  
10          ~~except as provided in paragraph (3); and~~]; or  
11        ~~[-(3)-~~] (4) If the child is [~~four~~] at least seven years of  
12          age [~~or-elder~~] but less than [~~eight~~] ten years of age,  
13          the person operating the motor vehicle shall [~~be~~  
14          ~~exempt from properly restraining~~] ensure that the  
15          child is properly restrained in a child safety seat or  
16          booster seat that meets federal motor vehicle safety  
17          standards at the time of its manufacture; provided  
18          that this requirement shall not apply if the child is:  
19          (A) Correctly restrained by a lap and shoulder seat  
20                belt assembly; and[~~+~~





1 a booster seat, or a seat belt assembly are in the back seat of  
2 the motor vehicle.

3 ~~(d) In no event shall failure to restrain a child under~~  
4 ~~the age of eight years as required by this section be considered~~  
5 ~~contributory negligence, comparative negligence, or negligence~~  
6 ~~per se.~~

7 ~~(e)]~~ (c) Violation of this section shall be considered an  
8 offense as defined under section 701-107(5) and shall subject  
9 the violator to the following penalties:

10 (1) For a first conviction, the person shall:

11 (A) Be fined not more than \$100;

12 (B) Be required by the court to attend a child  
13 passenger restraint system safety class  
14 ~~conducted]~~ approved by the judiciary's division  
15 of driver education; provided that:

16 (i) The class may include video conferences as  
17 determined by the administrator of the  
18 division of driver education as an  
19 alternative method of education; and

20 (ii) The class shall not exceed four hours;



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- 1 (C) Pay a \$50 driver education assessment as provided  
2 in section 286G-3;
- 3 (D) Pay a \$10 surcharge to be deposited into the  
4 neurotrauma special fund; and
- 5 (E) Pay up to a \$10 surcharge to be deposited into  
6 the trauma system special fund if the court so  
7 orders;
- 8 (2) For a conviction of a second offense committed within  
9 three years of any other conviction under this  
10 section, the person shall:
- 11 (A) Be fined not less than [~~\$100~~] \$250 but not more  
12 than [~~\$200~~] \$500;
- 13 (B) Be required by the court to attend a child  
14 passenger restraint system safety class not to  
15 exceed four hours in length [~~conducted~~] approved  
16 by the judiciary's division of driver education  
17 if the person has not previously attended such a  
18 class;
- 19 (C) Pay a \$50 driver education assessment as provided  
20 in section 286G-3 if the person has not  
21 previously attended a child passenger restraint



- 1 system safety class [~~conducted~~] approved by the  
2 judiciary's division of driver education;
- 3 (D) Pay a \$10 surcharge to be deposited into the  
4 neurotrauma special fund; and
- 5 (E) Pay up to a \$10 surcharge to be deposited into  
6 the trauma system special fund if the court so  
7 orders;
- 8 (3) For a conviction of a third or subsequent offense  
9 committed within three years of any other conviction  
10 under this section, the person shall:
- 11 (A) Be fined not less than [~~\$200~~] \$500 but not more  
12 than [~~\$500+~~] \$800;
- 13 (B) Be required by the court to attend a child  
14 passenger restraint system safety class not to  
15 exceed four hours in length [~~conducted~~] approved  
16 by the judiciary's division of driver education  
17 if the person has not previously attended such a  
18 class;
- 19 (C) Pay a \$50 driver education assessment as provided  
20 in section 286G-3 if the person has not  
21 previously attended a child passenger restraint



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1 system safety class [~~conducted~~] approved by the  
2 judiciary's division of driver education;

3 (D) Pay a \$10 surcharge to be deposited into the  
4 neurotrauma special fund; and

5 (E) Pay up to a \$10 surcharge to be deposited into  
6 the trauma system special fund if the court so  
7 orders.

8 [~~(f)~~] (d) As used in this section:

9 "Commercial vehicle" means any motor vehicle that is being  
10 used for the transportation of persons for hire, compensation,  
11 or profit.

12 "Emergency vehicle", "mass transit vehicle, "restrained",  
13 and "seat belt assembly" shall have the same meaning as provided  
14 in section 291-11.6."

15 SECTION 2. Section 291-11.6, Hawaii Revised Statutes, is  
16 amended by amending subsection (a) to read as follows:

17 "(a) Except as otherwise provided by law, no person shall  
18 operate a motor vehicle upon any public highway unless the  
19 person is restrained by a seat belt assembly and all passengers  
20 in the front or back seat of the motor vehicle are restrained by



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1 a seat belt assembly or are restrained pursuant to section  
2 291-11.5 if [~~under-eight~~] less than ten years of age."

3 SECTION 3. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



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JAN 26 2021



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**Report Title:**

Child Passenger Restraints; Requirements; Penalties

**Description:**

Amends requirements for child passengers. Requires rear facing child safety seats for children less than 2 years of age. Requires the use of child safety seats or booster seats for certain children less than 10 years of age. Raises certain fines for violations.

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

