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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       ~~older~~] 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 older~~] 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)~~ (B) Over four feet and nine inches in height[~~+~~

2                           ~~or~~

3           ~~(B)~~ ~~Over forty pounds and traveling in a motor~~

4                           ~~vehicle equipped only with lap belts, without~~

5                           ~~shoulder straps, in the back seat].~~

6           (b) [~~Operators of the following motor vehicles~~] A person  
7 operating a motor vehicle shall be exempt from the requirements  
8 of this section[~~+~~] if the vehicle in which the child is being  
9 transported is an emergency, commercial, [~~and~~] or mass transit  
10 [~~vehicles.]~~ vehicle. Further exemptions from this section may  
11 be established by the department of transportation pursuant to  
12 rules adopted under chapter 91.

13           ~~[(c) This section shall not apply if the number of persons~~  
14 ~~in a vehicle exceeds the greater of the following:~~

15           ~~(1) The number of seat belt assemblies available in the~~  
16                           ~~vehicle; or~~

17           ~~(2) The number of seat belt assemblies originally~~  
18                           ~~installed in the vehicle;~~

19 ~~provided that all available seat belt assemblies are being used~~  
20 ~~to restrain a passenger, and those children not restrained by an~~  
21 ~~approved child passenger restraint system, a child safety seat,~~



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;



- 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~~] \$ \_\_\_\_\_ but not  
12 more than [~~\$200~~] \$ \_\_\_\_\_ ;
- 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~~] \$ \_\_\_\_\_ but not  
12 more than [~~\$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 [~~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  
21 a seat belt assembly or are restrained pursuant to



1 section 291-11.5 if they are [~~under eight~~] less than ten years  
2 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 on July 1, 2050.



**Report Title:**

Child Passenger Restraints; Requirements; Penalties

**Description:**

Amends requirements for child passengers. Requires rear facing child safety seats for children less than two years of age. Requires the use of child safety seats or booster seats for certain children less than ten years of age. Raises certain fines for violations. Effective 7/1/2050. (HD1)

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

