
A BILL FOR AN ACT

RELATING TO PUPIL TRANSPORTATION SAFETY.

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

1 SECTION 1. Section 286-102, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

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

7 (1) Mopeds;

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

11 (3) Passenger cars of any gross vehicle weight rating,
12 buses designed to transport fifteen or fewer
13 occupants, trucks and vans having a gross vehicle
14 weight rating of eighteen thousand pounds or less, and
15 autocycles as described in paragraph (2) of the
16 definition of "motorcycle" in section 286-2; and

17 (4) All of the motor vehicles in category (3) and any
18 vehicle that is not a commercial motor vehicle.

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

7 SECTION 2. Section 286-181, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By amending subsections (b) through (e) to read as
10 follows:

11 "(b) The department of transportation shall grant
12 exemptions for the use of vehicles other than school vehicles,
13 such as motorcoaches, small buses, and vans, when the department
14 finds that compliance with this section is:

15 (1) Impractical due to the unavailability of school
16 vehicles; or

17 (2) Impractical due to economic factors.

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

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

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1 (1) To the department of education to administer to
2 ~~[public]~~ department schools based on criteria
3 developed by the departments of transportation and
4 education; provided that the department of education
5 shall submit a report to the department of
6 transportation at the end of each school year on the
7 extent to which these exemptions were ~~[utilized,]~~
8 used;

9 (2) To the state public charter school commission to
10 administer public charter schools based on criteria
11 developed by the departments of transportation and
12 education; provided that the state public charter
13 school commission shall submit a report to the
14 department of transportation at the end of each school
15 year on the extent to which these exemptions were
16 used;

17 ~~[-2-]~~ (3) To a board of independent schools, which is
18 registered with the department of commerce and
19 consumer affairs, to administer to private schools
20 utilizing criteria developed by the departments of
21 transportation and education; provided that the board
22 shall submit a report to the department of

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1 transportation at the end of each school year on the
2 extent to which these exemptions were utilized;
3 ~~[(3)]~~ (4) ~~[Only for]~~ For the transport of pupils to and
4 from school functions or school-related activities
5 ~~[but not]~~ and for transportation to and from a school;
6 ~~[(4)]~~ (5) Only when each pupil being transported has
7 obtained a written statement from the pupil's parent
8 or legal guardian waiving the State's liability; and
9 ~~[(5)]~~ (6) In accordance with the procedures and criteria
10 established by rules of the department of
11 transportation.

12 (d) The department of transportation may grant exemptions
13 for the use of vehicles other than school vehicles ~~[for the~~
14 ~~transportation of students requiring special education and~~
15 ~~services]~~, including the use of motorcoaches, small buses, and
16 vans that may not meet school bus regulations but that shall
17 otherwise meet vehicle requirements and qualifications set forth
18 in chapter 19-143, Hawaii Administrative Rules, for school bus
19 services, when an adult staff chaperone escorts students being
20 transported between designated locations off-campus and
21 designated locations on-campus, when the department of
22 transportation finds that compliance with this section is

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1 impossible or impractical; provided that no exemption shall be
2 granted for the qualifications of individuals driving a bus as
3 defined in section 286-2 and such individuals shall meet school
4 vehicle 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 motorcoaches, small buses, or vans [~~weighing less than ten~~
21 ~~thousand pounds~~] for the transportation of pupils of a day care
22 center, child care facility, headstart program, [and] preschool,

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1 kindergarten, elementary, or secondary school, public or
2 private, including any special school for children in the State,
3 with adult staff chaperone escorts while students are being
4 transported between designated locations off-campus and
5 designated locations on-campus or of school pupils and school
6 staffs to and from school-related activities."

7 2. by amending subsection (i) to read as follows:

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

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

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

14 (3) Is already in transportation service; or

15 (4) Is committed for transportation service [~~or~~]

16 ~~(5) Does not meet the requests of a school for a~~
17 ~~motorcoach with undercarriage storage compartments and~~
18 ~~public address system; provided that the use of the~~
19 ~~motorcoach shall be used solely for the transportation~~
20 ~~of middle, intermediate, or high school student groups~~
21 ~~to and from school-related events or activities. As~~
22 ~~used in this paragraph, "motorcoach" means a vehicle~~

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Report Title:

DOT; DOE; Pupil Transportation Safety

Description:

Amends sections 286-102 and 286-181, HRS, to allow exemptions to include use of motorcoaches, small buses, and vans, which may not meet school bus regulations for school bus services, but which shall otherwise meet vehicle requirements and qualifications set forth in chapter 19-143, Hawaii Administrative Rules, to the extent required by the Department of Transportation and the Department of Education, when adult staff chaperone escorts of students are provided while students are being transported between designated locations off-campus and designated locations on-campus.

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

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JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO PUPIL TRANSPORTATION SAFETY

PURPOSE: To provide exemptions for the use of motorcoaches, small buses, and vans as school vehicles, even though they may not meet school bus regulations, so long as they shall otherwise meet vehicle requirements and qualifications set forth in chapter 19-143, Hawaii Administrative Rules, to the extent required by the Department of Transportation, the Department of Education, and public charter schools, and so long as they provide adult staff chaperone escorts of students while students are being transported between designated locations off-campus and designated locations on-campus.

MEANS: Amend sections 286-102(b) and 286-181(b)-(e) and (i), Hawaii Revised Statutes (HRS).

JUSTIFICATION: This bill is necessary to provide pupil transportation. There is a shortage of school bus drivers able to provide services to the Department of Education, public charter schools, and certain independent schools, that has resulted in the Department of Education, public charter schools, and certain independent schools reducing school bus services for qualified students needing transportation to and/or from school.

School bus services are an instrumental component to supporting fulfillment of the State's compulsory education laws that require school attendance for children between the ages of five and eighteen years.

Impact on the public: This bill promotes a solution to the school bus driver shortage to allow individuals transporting students on a small bus, motorcoach, or van between

designated locations off-campus and designated locations on-campus, and to do so with a valid commercial driver's license issued with a "P" endorsement under section 286-239(b)(4), HRS. Currently, individuals operating school buses must have a commercial driver's license with an "S" endorsement, providing for the authorization of driving school buses.

The proposed bill will provide for needed and timely access to and from school for a certain portion of students in the State.

Impact on the department and other agencies:

To allow individuals transporting students on a small bus, motorcoach, or van between designated locations off-campus and designated locations on-campus to do so with a valid commercial driver's license issued with a "P" endorsement under section 286-239(b)(4), HRS. Currently, individuals operating school buses must have a commercial driver's license with an "S" endorsement, providing for the authorization of driving school buses.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: TRN 595.

OTHER AFFECTED AGENCIES: Department of Education, Hawaii State Public Charter School Commission, and public charter schools.

EFFECTIVE DATE: Upon approval.