
A BILL FOR AN ACT

RELATING TO TRANSPORTATION 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 central Oahu and east
9 Hawaii island. In the 2024-2025 school year, a total of one
10 hundred thirty-eight routes were temporarily suspended,
11 affecting nearly three thousand seven hundred twenty students
12 who signed up for bus transportation.

13 The legislature further finds that, to address the shortage
14 of school bus drivers in Hawaii, the governor issued an
15 emergency proclamation in August 2024 to allow the department of
16 transportation to grant exemptions for the use of vehicles other
17 than school buses to transport students. Specifically, this and



1 subsequent related emergency proclamations allow for the
2 transport of students using vehicles other than school vehicles
3 by drivers possessing a commercial driver's license with an
4 endorsement authorizing the driving of vehicles carrying
5 passengers. The legislature believes that making this exemption
6 permanent may help alleviate the lack of school bus drivers.

7 The purpose of this Act is to:

- 8 (1) Ensure that certain provisions of the governor's
9 August 2024 emergency proclamation on school bus
10 services is placed into statute by authorizing the use
11 of motorcoaches, small buses, and vans for school bus
12 services; provided certain conditions are met;
- 13 (2) Require the State to upgrade to zero emission school
14 buses by 2045; and
- 15 (3) Require state agencies to prioritize zero emission
16 buses in the procurement policy for purchasing or
17 leasing motor vehicle.

18 SECTION 2. Section 103D-412, Hawaii Revised Statutes, is
19 amended as follows:

- 20 1. By amending subsection (a) to read:



1 "(a) The procurement policy for all agencies purchasing or
2 leasing buses, or light-, medium-, and heavy-duty motor vehicles
3 shall be to seek vehicles that reduce dependence on
4 petroleum-based fuels that meet the needs of the agency.

5 Priority for selecting vehicles shall be as follows:

- 6 (1) Zero-emission vehicles;
- 7 (2) Plug-in hybrid electric vehicles;
- 8 (3) Alternative fuel vehicles; and
- 9 (4) Hybrid electric vehicles."

10 2. By amending subsection (c) to read:

11 "(c) For the purposes of this section:

12 "Agency" means a state agency, office, or department.

13 "Alternative fuel" shall have the same meaning as contained
14 in title 10 Code of Federal Regulations part 490; provided that
15 "alternative fuel" includes liquid or gaseous fuels produced
16 from renewable feedstocks, such as organic wastes, or from water
17 using electricity from renewable energy sources.

18 "Alternative fuel vehicle" shall have the same meaning as
19 contained in title 10 Code of Federal Regulations part 490.

20 "Bus" shall have the same meaning as contained in title 40
21 Code of Federal Regulations section 1037.801.



1 "Covered fleet" shall have the same meaning as contained in
2 title 10 Code of Federal Regulations part 490 subpart C.

3 "Excluded vehicles" shall have the same meaning as
4 contained in title 10 Code of Federal Regulations section 490.3.

5 "Fuel cell electric vehicle" shall have the same meaning as
6 contained in title 10 Code of Federal Regulations section
7 490.501.

8 "Hybrid electric vehicle" shall have the same meaning as
9 contained in title 40 Code of Federal Regulations section
10 86.1803-01.

11 "Light-duty motor vehicle" shall have the same meaning as
12 contained in title 10 Code of Federal Regulations part 490.

13 "Plug-in hybrid electric vehicle" shall have the same
14 meaning as contained in title 40 Code of Federal Regulations
15 part 86.1803-01.

16 "Zero-emission vehicle" shall have the same meaning as
17 contained in title 40 Code of Federal Regulations section
18 88.102-94."

19 SECTION 3. Section 286-102, Hawaii Revised Statutes, is
20 amended by amending subsection (b) to read as follows:



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

5 (1) Mopeds;

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

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

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

17 A school bus, small bus, motorcoach, or van operator shall
18 be properly licensed to operate the category of vehicles that
19 the operator operates as a school bus, small bus, motorcoach, or
20 van and shall comply with the standards of the department of



1 transportation as provided by rules adopted pursuant to section
2 286-181."

3 SECTION 4. Section 286-181, Hawaii Revised Statutes, is
4 amended as follows:

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

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

10 (1) Impractical due to the unavailability of school
11 vehicles; or

12 (2) Impractical due to economic factors.

13 No exemption shall be granted for the qualifications of
14 individuals driving a bus as defined in section 286-2 and [~~such~~]
15 the individuals shall meet school vehicle driver qualifications.

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

17 (1) To the department of education to administer to
18 [~~public~~] department schools based on criteria
19 developed by the departments of transportation and
20 education; provided that the department of education
21 shall submit a report to the department of



1 transportation at the end of each school year on the
2 extent to which these exemptions were [~~utilized;~~]
3 used;

4 (2) To the state public charter school commission to
5 administer public charter schools based on criteria
6 developed by the departments of transportation and
7 education; provided that the state public charter
8 school commission 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 used;

12 [~~+2~~] (3) To a board of independent schools, which is
13 registered with the department of commerce and
14 consumer affairs, to administer to private schools
15 utilizing criteria developed by the departments of
16 transportation and education; provided that the board
17 shall submit a report to the department of
18 transportation at the end of each school year on the
19 extent to which these exemptions were utilized;

20 [~~+3~~ ~~Only for~~] (4) 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)~~ (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~~ 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 that may not meet
17 school bus regulations but shall otherwise meet vehicle
18 requirements and qualifications set forth in chapter 19-143,
19 Hawaii Administrative Rules, for school bus services, when an
20 adult staff chaperone escorts students being transported between
21 designated locations off-campus and designated locations on-



1 campus, when the department of transportation finds that
2 compliance with this section is impossible or impractical;
3 provided that an adult staff chaperone provided by the
4 department of education escorts students being transported
5 between designated off-campus and designated on-campus
6 locations; provided further that no exemption shall be granted
7 for the qualifications of individuals driving a bus as defined
8 in section 286-2 and [~~such~~] the individuals shall meet school
9 vehicle driver qualifications.

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

- 13 (1) School vehicle and school vehicle equipment design,
14 construction, and identification;
- 15 (2) School vehicle driver qualification and training as
16 required by law;
- 17 (3) School vehicle operation;
- 18 (4) School vehicle maintenance and maintenance records;
- 19 (5) Special school vehicle safety inspections;
- 20 (6) Criteria for passenger loading and unloading safety
21 areas; and



1 (7) Procedures and criteria for the granting of exemptions
2 permitted under subsections (b), (c), and (d);
3 provided that the rules and standards shall permit the use of
4 small buses [~~or~~], vans [~~weighing less than ten thousand pounds~~],
5 or motorcoaches for the transportation of pupils of a public or
6 private day care center, child care facility, headstart program,
7 [~~and~~] preschool, kindergarten, elementary, or secondary school,
8 including any special school for children in the State with an
9 accompanying adult staff chaperone escort provided by the
10 department of education for students transported between
11 designated locations off-campus and designated locations
12 on-campus or of school pupils and school staffs to and from
13 school-related activities."

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

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

17 (1) Is being used during a specific time for contracted
18 school-related transportation to and from school or
19 related destinations;

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

21 (3) Is already in transportation service; or



1 (4) Is committed for transportation service[~~; or~~
2 ~~(5) Does not meet the requests of a school for a~~
3 ~~motorcoach with undercarriage storage compartments and~~
4 ~~public address system; provided that the use of the~~
5 ~~motorcoach shall be used solely for the transportation~~
6 ~~of middle, intermediate, or high school student groups~~
7 ~~to and from school-related events or activities. As~~
8 ~~used in this paragraph, "motorcoach" means a vehicle~~
9 ~~that carries more than twenty-five passengers, has a~~
10 ~~gross vehicle weight rating of at least 26,000 pounds,~~
11 ~~and is no more than fifteen years old]."~~

12 SECTION 5. Section 302A-407, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) Any school bus contract between the State and the
15 contractor shall include a provision requiring the contractor to
16 equip the contractor's vehicles with the signs and visual
17 signals described in section 291C-95(d) and (g). The contract
18 shall also include other provisions as may be deemed necessary
19 by the State for the safety of school bus passengers and shall
20 include provisions requiring compliance with the rules and
21 standards described in section 286-181. Beginning July 1, 2025,



1 the State shall not enter into any school bus contract for a
2 term that extends past January 1, 2045, unless the bus that is
3 the subject of the contract is a zero emission bus. Beginning
4 January 1, 2045, the State shall not enter into any school bus
5 contract unless the bus that is the subject of the contract is a
6 zero emission bus.

7 For the purposes of this subsection:

8 "Pollutant" means hydrocarbons, carbon monoxide, carbon
9 dioxide, nitrogen oxides, and lead.

10 "Zero emission bus" means a motor bus that produces zero
11 exhaust emissions of any pollutant and includes battery-
12 electric powered buses and hydrogen fuel cell-electric powered
13 buses, but does not include any vehicle, locomotive, or car
14 operated exclusively on a rail or rails."

15 SECTION 6. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 7. This Act shall take effect on July 1, 3000.



Report Title:

Department of Transportation; Department of Education; State Public Charter School Commission; School Bus Services; Student Transportation; Climate Change; Mass Transit; Zero Emissions; Small Buses, Motorcoaches, and Vans

Description:

Authorizes the use of motorcoaches, small buses, and vans for school bus services if certain conditions are met. Requires State to upgrade to zero emission school buses by 2045. Requires the state agencies to prioritize zero emission buses in the procurement policy for purchasing or leasing motor vehicles. Effective 7/1/3000. (SD1)

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