

JAN 17 2025

A BILL FOR AN ACT

RELATING TO PUPIL TRANSPORTATION SAFETY.

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

1 SECTION 1. The legislature finds that the State is
2 currently experiencing a critical shortage of school bus
3 drivers, which has significantly impacted the State's ability to
4 provide reliable and efficient student transportation services,
5 particularly in rural areas and on the neighbor islands.

6 The legislature further finds that the office of the
7 governor issued an emergency proclamation relating to school bus
8 services on August 2, 2024, to mitigate this pressing issue by
9 enabling greater flexibility in student transportation services.
10 The proclamation temporarily suspends certain state laws to
11 expedite the hiring of qualified drivers, streamline the
12 certification process, and allow the use of alternative
13 vehicles, including motorcoaches and smaller passenger vans, to
14 address the immediate transportation needs of students. These
15 measures are designed to ensure that schools can maintain safe
16 and consistent transportation options for students despite the
17 ongoing driver shortage. Innovative solutions, such as those



1 included in the governor's emergency proclamation, are necessary
2 to address the growing demand for student transportation and
3 ensure that all students have access to safe, timely, and
4 efficient methods of getting to school.

5 The legislature also finds that while emergency
6 proclamations are essential for immediate action, legislation is
7 necessary to codify sustainable, structured, and democratically
8 validated solutions to the State's pressing bus driver shortage.

9 Accordingly, the purpose of this Act is to authorize the
10 use of motorcoaches, small buses, and vans for student
11 transportation services; provided that certain conditions are
12 met.

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

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

19 (1) Mopeds;



- 1 (2) Motorcycles, except for autocycles as described in
- 2 paragraph (2) of the definition of "motorcycle" in
- 3 section 286-2, and motor scooters;
- 4 (3) Passenger cars of any gross vehicle weight rating,
- 5 buses designed to transport fifteen or fewer
- 6 occupants, trucks and vans having a gross vehicle
- 7 weight rating of eighteen thousand pounds or less, and
- 8 autocycles as described in paragraph (2) of the
- 9 definition of "motorcycle" in section 286-2; and
- 10 (4) All of the motor vehicles in category (3) and any
- 11 vehicle that is not a commercial motor vehicle.

12 A school bus ~~[ex]~~, small bus, motorcoach, or van operator
13 shall be properly licensed to operate the category of vehicles
14 that the operator operates as a school bus, small bus,
15 motorcoach, or van and shall comply with the standards of the
16 department of transportation as provided by rules adopted
17 pursuant to section 286-181."

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

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



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

- 5 (1) Impractical due to the unavailability of school
6 vehicles; or
- 7 (2) Impractical due to economic factors.

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

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

- 12 (1) To the department of education to administer to public
13 schools based on criteria developed by the departments
14 of transportation and education; provided that the
15 department of education shall submit a report to the
16 department of transportation at the end of each school
17 year on the extent to which these exemptions were
18 utilized;

- 19 (2) To a board of independent schools, which is registered
20 with the department of commerce and consumer affairs,
21 to administer to private schools utilizing criteria



1 developed by the departments of transportation and
2 education; provided that the board shall submit a
3 report to the department of transportation at the end
4 of each school year on the extent to which these
5 exemptions were utilized;

6 (3) [~~Only for~~] For the transport of pupils to and from
7 school functions or school-related activities [~~but~~
8 ~~not~~] and for transportation to and from a school;

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

12 (5) In accordance with the procedures and criteria
13 established by rules of the department of
14 transportation.

15 (d) The department of transportation may grant exemptions
16 for the use of vehicles other than school vehicles [~~for the~~
17 ~~transportation of students requiring special education and~~
18 ~~services~~], including the use of motorcoaches, small buses, and
19 vans that may not meet school bus regulations; provided that
20 these vehicles meet the requirements and qualifications set
21 forth in chapter 19-143, Hawaii Administrative Rules, for school



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

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

- 12 (1) School vehicle and school vehicle equipment design,
13 construction, and identification;
- 14 (2) School vehicle driver qualification and training as
15 required by law;
- 16 (3) School vehicle operation;
- 17 (4) School vehicle maintenance and maintenance records;
- 18 (5) Special school vehicle safety inspections;
- 19 (6) Criteria for passenger loading and unloading safety
20 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 day care
6 center, child care facility, headstart program, [~~and~~] preschool,
7 kindergarten, elementary, or secondary school, public or
8 private, including any special school for children in the State,
9 with the department of education providing adult staff chaperone
10 escorts while students are being transported between designated
11 locations off-campus and designated location on-campus, or of
12 school pupils and school staffs to and from school-related
13 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 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

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

15

INTRODUCED BY: 



S.B. NO. 837

Report Title:

Department of Transportation; Department of Education; School Bus Services; Student Transportation; Small Buses; Motorcoaches; Vans

Description:

Authorizes the use of motorcoaches, small buses, and vans for student transportation services if certain conditions are met.

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