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# A BILL FOR AN ACT

RELATING TO INSURANCE.

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

1       SECTION 1. The legislature finds that child passenger  
2 restraint systems are essential for protecting the lives of  
3 young children during vehicular travel. When a collision  
4 occurs, the structural integrity of these systems may be  
5 compromised, rendering them unsafe for future use, even if no  
6 visible damage is apparent.

7       Legislation enacted in other states requiring insurance  
8 coverage for the replacement of damaged child passenger  
9 restraint systems has demonstrated significant public safety  
10 benefits and garnered bipartisan support. For example,  
11 California and Texas have implemented provisions requiring  
12 insurers to replace child safety seats following accidents.  
13 Media reports and public testimonies in these states underscore  
14 how these policies reduce parental anxiety, ensure compliance  
15 with child safety standards, and prevent injuries or fatalities  
16 resulting from the use of compromised equipment.



1       The legislature further finds that the National Highway  
2 Traffic Safety Administration advises that child safety seats  
3 involved in moderate or severe collisions should be replaced.  
4 This recommendation is grounded in extensive research showing  
5 that even minor structural weaknesses can lead to catastrophic  
6 failure during subsequent incidents.

7       Requiring insurers to cover the cost of replacement for  
8 damaged child passenger restraint systems will align with the  
9 State's laws with best practices for child passenger safety,  
10 reduce the financial burden on families, and uphold public  
11 confidence in the State's commitment to safeguarding its  
12 youngest residents while also promoting a preventive approach to  
13 reducing long-term health care costs associated with injuries  
14 sustained in traffic accidents.

15       Accordingly, the purpose of this Act is to take a proactive  
16 stance in prioritizing child safety and setting a precedent for  
17 responsible, family-centered insurance practices by requiring  
18 each motor vehicle insurance policy to cover the replacement  
19 cost of a child passenger restraint system that was damaged or  
20 in use by a child during a motor vehicle accident for which  
21 liability coverage under the policy is applicable.



SECTION 2. Chapter 431, Hawaii Revised Statutes, is amended by adding a new section to part III of article 10C to be appropriately designated and to read as follows:

**"§431:10C- Child passenger restraint system; replacement.** (a) In addition to any other requirements under this part, a motor vehicle insurance policy shall provide liability coverage for replacement of a child passenger restraint system that was damaged or was in use by a child during a motor vehicle accident for which liability coverage under the policy is applicable due to the liability of an insured or uninsured motorist.

(b) Upon the filing of a claim pursuant to a policy described in this section, unless otherwise determined, an insurer shall ask whether a child passenger restraint system was in use by a child during a motor vehicle accident or was in the vehicle at the time of a loss that is covered by the policy, and shall replace the child passenger restraint system or reimburse the claimant for the cost of purchasing a new child passenger restraint system pursuant to this section.

(c) An insured, upon acquiring a replacement child passenger restraint system, may surrender to the department of



1 transportation the child passenger restraint system that was  
2 replaced.

3 (d) For the purposes of this section, "child passenger  
4 restraint system" means a restraint system that conforms to  
5 section 291-11.5."

6 SECTION 3. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9 SECTION 4. This Act shall not be applied so as to impair  
10 any contract existing as of the effective date of this Act in a  
11 manner violative of either the Constitution of the State of  
12 Hawaii or Article I, section 10, of the United States  
13 Constitution.

14 SECTION 5. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on July 1, 3000.



**Report Title:**

Insurance; Motor Vehicles; Child Passenger Restraint Systems;  
Replacement

**Description:**

Requires each motor vehicle insurance policy to cover the replacement cost of a child passenger restraint system that was damaged or in use by a child during a motor vehicle accident for which liability coverage under the policy is applicable.  
Effective 7/1/3000. (HD1)

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