

ACT 233

H. B. 294.

A Bill for an Act Relating to Education and Amending Chapter 37, Revised Laws of Hawaii 1955.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Purpose. The purpose of this Act is to authorize the department of education to provide suitable transportation for all school children in grades kindergarten to 12 and in special education classes and to

promulgate rules and regulations relating thereto with a view to providing equal opportunity for education to the school children of the State.

SECTION 2. Chapter 37, Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto two new sections to be appropriately numbered and to read as follows:

“Section 37-..... Transportation of school children. The department may provide suitable transportation to and from school for all children in grades kindergarten to 12 and in special education classes. The department shall adopt the policy, procedure and program as it deems necessary to provide suitable transportation. In formulating the policy, procedure and program, the department shall consider the school district, the school attendance area in which a school child normally resides, the distance the school child lives from the school, the availability of public carriers or other means of transportation, the frequency, regularity and availability of public transportation, and the grade level, physical handicap or special learning disability of a school child, and it may also consider such conditions and circumstances unique or peculiar to a county or area.

“The department shall, in the manner provided in chapter 6C, promulgate rules and regulations governing the supervision and administration of the transportation of school children under this Act.

“Section 37-..... Approval by the chief executive and the police department of the county. No carrier or motor vehicle shall be used for the transportation of students eligible for benefits hereunder, unless specifically approved by the executive officer of the county or his authorized representative and by the police department of the county, as being safe for the transporting of such students. The owner or operator of such carrier or motor vehicle used in violation of this section shall be guilty of a misdemeanor and subject to a fine of not more than \$500 or imprisonment of not more than six months, or both.”

SECTION 3. Section 37-23, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

“Section 37-23. Regulation of school busses; misconduct of state personnel or contractor. As used in this section, ‘school bus’ means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to or from school.

“The department shall adopt regulations to govern the design, equipment and operation of all school busses used for the transportation of school children in the State, and such regulations shall, by reference, be made a part of any contract, if any, executed by the State. Every state officer and employee and every person who transports school children by school busses shall be subject to such regulations.

“Any officer or employee of the State who violates any regulations or fails to include the obligation to comply with the regulations in any contract

executed by him on behalf of the State, shall be subject to removal from office or employment. Any person operating a school bus who fails to comply with any regulation shall be in violation of this Act and be guilty of a misdemeanor and subject to a fine of not more than \$500 or imprisonment of not more than six months, or both, and if under contract, he shall be deemed to have breached the contract which shall be canceled after notice and hearing pursuant to chapter 6C.

“The executive officer of each county or his authorized representative shall be responsible for enforcement of the regulations adopted by the department of education. The police department of the county shall assist in the enforcement program exercising its authority as established under existing law which shall, wherever appropriate, be applicable to school busses for purposes of this Act.”

SECTION 4. Section 37-19, Revised Laws of Hawaii 1955, as amended, is hereby repealed.

SECTION 5. Amendment of conflicting laws. All laws and parts of laws heretofore enacted which are in conflict with the provisions of this Act are hereby amended to conform herewith. All acts passed during the general session of 1967, whether enacted before or after the passage of this Act, shall be amended to conform to this Act, unless such acts specifically provide that this Act is being amended.

SECTION 6. This Act shall take effect upon its approval.
(Approved June 6, 1967.)