

A Bill for an Act Relating to Pupil Transportation.

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

SECTION 1. Section 286-181, Hawaii Revised Statutes, is amended to read:

"~~[[§286-181]]~~ **Pupil transportation safety.** (a) As used in this section "school vehicle" means any publicly or privately owned motor vehicle used to transport pupils to and from a school as defined in section 298-41 or school functions or school related events, except [a motor vehicle used for]:

- (1) [The] A motor vehicle used for transportation of pupils attending schools above the twelfth grade or pupils over eighteen years of age;
- (2) [The transportation of pupils in a] A privately owned passenger [car provided that] vehicle when such transportation is provided without compensation of any kind; or
- (3) [The] A motor vehicle used for transportation of pupils together with other passengers as a part of the regularly scheduled operation of a [common carrier.] mass transit system.

(b) The department of [education] transportation shall [have primary administrative responsibility and authority to determine,] adopt [and execute] safety rules and standards [and safety regulations] relating to [the transportation of pupils by a] school [vehicle.] vehicles, equipment, and drivers, including but not limited to:

- (1) School vehicle and school vehicle equipment design, construction, and identification;
- (2) School vehicle driver qualification and training as required by law;
- (3) School vehicle operation;
- (4) School vehicle maintenance and maintenance records;
- (5) Special school vehicle safety inspections; and
- (6) Criteria for passenger loading and unloading safety areas.

(c) The department of education shall adopt necessary rules [and regulations] governing[:] passenger conduct, passenger safety instruction, and disciplinary procedures for the enforcement of such rules applicable to passengers on school vehicles operated by or under contract with the State. Any pupil who fails to comply with any rule adopted pursuant to this subsection shall not be subject to section 286-10 but shall be subject to discipline in accordance with rules adopted by the department.

- (1) School vehicle and school vehicle equipment design, construction, and identification;
- (2) School vehicle driver training and qualification;
- (3) School vehicle passenger safety instruction;
- (4) School vehicle operation safety;
- (5) School vehicle passenger loading and unloading area safety;
- (6) School vehicle maintenance safety; and
- (7) Special school vehicle safety inspections.]

(d) Any person operating a school vehicle who fails to comply with any rule [or regulation] adopted pursuant to this section shall be fined not more than \$500 or imprisoned not more than six months, or both.

(e) [The executive officer of each county or his authorized representative shall be responsible for enforcement of the regulations adopted by the department of education pursuant to subsection (c). 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 vehicles for purposes of this section.] The director of transportation, or any officer, employee, or representative of the department of transportation appointed by the director shall be responsible for the enforcement of any safety rules and standards adopted pursuant to subsection (b). The director of transportation may request that the executive officers of each county and any other state agency having responsibility relative to pupil transportation provide additional enforcement of any rule adopted by the department of transportation."

SECTION 2. There is appropriated out of the state highway fund the sum of \$183,316, or so much thereof as may be necessary for the fiscal biennium 1983-85 to carry out the purpose of this Act, including the hiring of necessary staff. The sum appropriated shall be expended by the Department of Transportation. Any unexpended or unencumbered balance of any appropriation made by this Act as of the close of business on June 30, 1985 shall lapse into the state highway fund.

SECTION 3. Any rule or order adopted or issued under any law affected by this Act and in effect on the effective date of this Act and not in conflict with this Act shall continue in effect until amended, modified, suspended, or repealed.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 21, 1983.)