

ACT 81

H.B. NO. 2358

A Bill for an Act Relating to Child Passenger Restraint Systems.

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

SECTION 1. Findings and purpose. The legislature finds that the overall rate of observed use of child passenger restraint systems for infants and toddlers in Hawaii is low and declining, contributing to deaths from motor vehicle crashes among Hawaii keiki. Riding unbuckled is a major risk factor in injuries and deaths from motor vehicle crashes among children under the age of four. According to a study released in May 1997 by the department of transportation, the overall rate of observed use of child passenger restraint systems on Oahu is thirty-one per cent. This represents a twenty-eight per cent decline since 1993 and is less than half of the national average of sixty-five per cent. Baseline observational studies in 1996 and 1997 show that overall use rates in Kauai (forty-two per cent) and Maui (fifty-four per cent) are also low compared to the national average.

The legislature also finds that the rate of improper use of child passenger restraint systems is very high, increasing the scope of Hawaii's child passenger restraint problem. When child passenger restraint systems are correctly installed, the risk of child death from motor vehicle crashes is reduced by sixty-nine per cent for infants and by forty-seven per cent for toddlers. However, it is estimated nationally that four out of five child passenger restraint systems are used incorrectly. In Hawaii, rates of incorrect use may be even higher. Of the two hundred child passenger restraint systems examined by child passenger restraint specialists in 1997, only two were found to have been correctly installed and used.

The legislature further finds that the current penalty for violating Hawaii's child passenger restraint law, and its enforcement, has not been effective in increasing compliance or in serving to educate violators on the importance of using child passenger restraint systems and on their proper installation. Proper installation is, unfortunately, complicated and until car manufacturers come up with a simple

uniform procedure, many people need hands-on education to install their child passenger restraint systems correctly. The legislature also recognizes that the division of driver education of the district court of the first circuit, through its traffic safety classes, has the capacity to educate first-time violators of Hawaii's child passenger restraint law, on the importance of using them and installing them correctly.

The purpose of this Act is to increase compliance with Hawaii's child passenger restraint law, as well as to increase the proper use of restraint systems among Hawaii's infants and toddlers, by requiring first-time offense violators to attend a child passenger restraint safety class.

SECTION 2. Section 286G-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A driver education assessment of \$7 shall be levied on a finding that a violation of a statute or county ordinance relating to vehicles or their drivers or owners occurred, except for:

- (1) Offenses relating to stopping (when prohibited), standing, or parking;
- (2) Offenses relating to registration; and
- (3) Offenses by pedestrians.

In addition, a driver education assessment of \$100 shall be levied on persons convicted under section 291-4 to defray costs of services provided by the driver education and training program[.]; and \$50 shall be levied on persons required to attend a child passenger restraint system safety class under section 291-11.5.”

SECTION 3. Section 291-11.5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) [Any person violating] Violation of this section shall be [guilty of a violation] considered an offense as defined under section 701-107(5) and shall subject the violator to the following penalties [of section 291C-161(b).]:

- (1) For a first conviction, the person shall:
 - (A) Be fined not more than \$100;
 - (B) Be required by the court to attend a child passenger restraint system safety class conducted by the division of driver education; provided that:
 - (i) The class may include video conferences as determined by the administrator of the division of driver education as an alternative method of education; and
 - (ii) The class shall not exceed four hours; and
 - (C) Pay a \$50 driver education assessment as provided in section 286G-3;
- (2) For a conviction of a second offense, the person shall:
 - (A) Be fined not more than \$200;
 - (B) Be required by the court to attend a child passenger restraint system safety class not to exceed four hours in length conducted by the division of driver education if the person has not previously attended such a class; and
 - (C) Pay a \$50 driver education assessment as provided in section 286G-3 if the person has not previously attended a child passenger system safety class conducted by the division of driver education; and
- (3) For a conviction of a third or subsequent offense, the person shall:
 - (A) Be fined not more than \$500;

- (B) Be required by the court to attend a child passenger restraint system safety class not to exceed four hours in length conducted by the division of driver education if the person has not previously attended such a class; and
- (C) Pay a \$50 driver education assessment as provided in section 286G-3 if the person has not previously attended a child passenger system safety class conducted by the division of driver education.”

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

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

(Approved May 20, 1998.)