

ACT 56

H.B. NO. 1

A Bill for an Act Relating to Child Passenger Safety.

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

SECTION 1. The legislature finds that, according to the National Traffic Safety Administration, many children die or are disabled in survivable crashes because they were not properly restrained in car seats or seat belts. In Hawaii, children between the ages of three and four who ride in cars may be legally, but unsafely, restrained with seat belts rather than car seats. Seat belts are designed for older children and adults, not children in this age group whose size and physical development make seat belts less effective and, in some cases, unsafe. The legislature also recognizes that Hawaii's child passenger restraint law does not conform to the age standard proposed in the National Committee on Uniform Traffic Laws and Ordinances' model child restraint law. Adhering to the nationally recommended age standard will not only increase the protection afforded to children in this age group, but it will also clarify Hawaii's law, making compliance and enforcement more likely.

The purpose of this Act is to increase the safety of Hawaii's children by amending Hawaii's child passenger restraint law to reflect the National Traffic Safety Administration's recommendations.

SECTION 2. Section 291-11.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Except as otherwise provided in this section, no person operating a motor vehicle on a public highway in the State shall transport a child under four years of age [except under the following circumstances:

- (1) If the child is under three years of age,] unless the person operating the motor vehicle [shall ensure] ensures that the child is properly restrained in a child passenger restraint system approved by the United States Department of Transportation at the time of its manufacture[; or
- (2) If the child is three years of age or older but less than four years of age, the person operating the motor vehicle must either ensure that the child is properly restrained in a child passenger restraint system approved by the United States Department of Transportation at the time of its manufacture or ensure that the child is restrained by a seat belt assembly].”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 1999.

(Approved May 13, 1999.)