

ACT 140

H.B. NO. 862

A Bill for an Act Relating to Transportation Services.

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

SECTION 1. The legislature finds that the availability of school bus services is essential to student attendance. School bus services are particularly crucial for families who live in rural and remote areas, as well as students who come from socioeconomically disadvantaged communities. Currently, there is a nationwide shortage of school bus drivers. This shortage is impacting the State, forcing the suspension or partial suspension of school bus services to central Oahu and east Hawaii island. In the 2024-2025 school year, a total of one hundred thirty-eight routes were temporarily suspended, affecting nearly three thousand seven hundred twenty students who signed up for bus transportation.

The legislature further finds that, to address the shortage of school bus drivers in Hawaii, the governor issued an emergency proclamation in August 2024 to allow the department of transportation to grant exemptions for the use of vehicles other than school buses to transport students. Specifically, this and subsequent related emergency proclamations allow for the transport of students using vehicles other than school vehicles by drivers possessing a commercial driver's license with an endorsement authorizing the driving of vehicles carrying passengers. The legislature believes that making this exemption permanent may help alleviate the lack of school bus drivers.

The purpose of this Act is to ensure that certain provisions of the governor's August 2024 emergency proclamation on school bus services is placed into statute by authorizing the use of motorcoaches, small buses, and vans for school bus services; provided certain conditions are met.

SECTION 2. Section 286-102, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) A person operating the following category or combination of categories of motor vehicles shall be examined as provided in section 286-108 and duly licensed by the examiner of drivers:

- (1) Mopeds;
- (2) Motorcycles, except for autocycles as described in paragraph (2) of the definition of “motorcycle” in section 286-2, and motor scooters;
- (3) Passenger cars of any gross vehicle weight rating, buses designed to transport fifteen or fewer occupants, trucks and vans having a gross vehicle weight rating of eighteen thousand pounds or less, and autocycles as described in paragraph (2) of the definition of “motorcycle” in section 286-2; and
- (4) All of the motor vehicles in category (3) and any vehicle that is not a commercial motor vehicle.

A school bus, small bus, motorcoach, or van operator shall be properly licensed to operate the category of vehicles that the operator operates as a school bus, small bus, motorcoach, or van and shall comply with the standards of the department of transportation as provided by rules adopted pursuant to section 286-181.”

SECTION 3. Section 286-181, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (b) through (e) to read:

“(b) The department of transportation shall grant exemptions for the use of vehicles other than school vehicles, including motorcoaches, small buses, and vans, when the department finds that compliance with this section is:

- (1) Impractical due to the unavailability of school vehicles; or
- (2) Impractical due to economic factors.

No exemption shall be granted for the qualifications of individuals driving a bus as defined in section 286-2 and ~~[such]~~ the individuals shall meet school vehicle driver qualifications.

- (c) The exemptions in subsection (b) shall be granted:

- (1) To the department of education to administer to ~~[public]~~ department schools based on criteria developed by the departments of transportation and education; provided that the department of education shall submit a report to the department of transportation at the end of each school year on the extent to which these exemptions were ~~[utilized;]~~ used;

- (2) To the state public charter school commission to administer public charter schools based on criteria developed by the departments of transportation and education; provided that the state public charter school commission shall submit a report to the department of transportation at the end of each school year on the extent to which these exemptions were used;

- [(2)] (3) To a board of independent schools, which is registered with the department of commerce and consumer affairs, to administer to private schools utilizing criteria developed by the departments of transportation and education; provided that the board shall submit a report to the department of transportation at the end of each school year on the extent to which these exemptions were utilized;

- [(3)] ~~Only for~~ (4) For the transport of pupils to and from school functions or school-related activities [but not], for transportation to and from a school[;], and for transportation to and from designated drop off locations and pick up locations established by the department of education, in consultation with the department of transportation;

~~[(4)]~~ (5) Only when each pupil being transported has obtained a written statement from the pupil's parent or legal guardian waiving the State's liability; and

~~[(5)]~~ (6) In accordance with the procedures and criteria established by rules of the department of transportation.

(d) ~~[The]~~ Notwithstanding any law to the contrary, the department of transportation may grant exemptions for the use of vehicles other than school vehicles ~~[for the transportation of students requiring special education and services], including the use of motorcoaches, small buses, and vans that may not meet school bus regulations but shall otherwise meet vehicle requirements and qualifications set forth in chapter 19-143, Hawaii Administrative Rules, for school bus services, when an adult staff chaperone escorts students being transported between designated locations off-campus and designated locations on-campus,~~ when the department of transportation finds that compliance with this section is impossible or impractical; provided that an adult staff chaperone provided by the department of education escorts students being transported between designated off-campus and designated on-campus locations; provided further that no exemption shall be granted for the qualifications of individuals driving a bus as defined in section 286-2 and [such] the individuals shall meet school vehicle driver qualifications.

(e) The department of transportation shall adopt safety rules and standards relating to school 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;
- (6) Criteria for passenger loading and unloading safety areas; and
- (7) Procedures and criteria for the granting of exemptions permitted under subsections (b), (c), and (d);

provided that the rules and standards shall permit the use of small buses ~~[or], vans [weighing less than ten thousand pounds], or motorcoaches~~ for the transportation of pupils of a public or private day care center, child care facility, headstart program, ~~[and] preschool, kindergarten, elementary, or secondary school, including any special school for children in the State with an accompanying adult staff chaperone escort provided by the department of education for students transported between designated locations off-campus and designated locations on-campus~~ or of school pupils and school staffs to and from school-related activities."

2. By amending subsection (i) to read:

"(i) As used in subsection (b), a school vehicle is unavailable when it:

- (1) Is being used during a specific time for contracted school-related transportation to and from school or related destinations;
- (2) Fails that day's inspection and has not been repaired;
- (3) Is already in transportation service; or
- (4) Is committed for transportation service~~;~~~~or~~
- (5) ~~Does not meet the requests of a school for a motorcoach with undercarriage storage compartments and public address system; provided that the use of the motorcoach shall be used solely for the transportation of middle, intermediate, or high school student groups to and from school-related events or activities. As used in this paragraph, "motorcoach" means a vehicle that carries more~~

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~~than twenty-five passengers, has a gross vehicle weight rating of at least 26,000 pounds, and is no more than fifteen years old].”~~

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

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

(Approved May 30, 2025.)