

PROPOSED

A BILL FOR AN ACT

RELATING TO CHILDREN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 291C, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§291C- Leaving a child unsupervised in a motor vehicle.

5 (a) Notwithstanding chapter 571 or any other law to the
6 contrary, a person commits the offense of leaving a child
7 unsupervised in a motor vehicle if the person, whether or not
8 charged with the care or custody of the child, leaves a child
9 unsupervised in a motor vehicle.

10 (b) Any law enforcement officer, firefighter, or rescue
11 team personnel who observes a child left unsupervised in a motor
12 vehicle and determines that the unsupervised child is in
13 physical danger, or poses a danger to others, may use whatever
14 means are reasonably necessary to protect the child or others
15 and remove the child from the motor vehicle.

16 (c) If the person who left the unsupervised child in the
17 motor vehicle cannot be located within a reasonable time, the
18 law enforcement officer, firefighter, or rescue team personnel,



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1 upon removing the child from the motor vehicle, shall attach a
2 written notification of the child's removal to the motor vehicle
3 and deliver the child to the custody of the child protective
4 services agency of the department of human services.

5 (d) Law enforcement officers, firefighters, and rescue
6 team personnel shall not be liable in any civil action to any
7 party for any act performed in good faith under this section.

8 (e) Leaving a child unsupervised in a motor vehicle is a
9 violation for which there shall be absolute liability as
10 provided in section 702-212.

11 (f) As used in this section:

12 "Child" means a person under the age of nine.

13 "Rescue team personnel" means physicians, basic life
14 support personnel, advanced life support personnel, surgeons,
15 nurses, volunteers, or employees of the owners or operators of a
16 hospital or authorized emergency vehicle who have been trained
17 in basic or advanced life support and have been charged by the
18 owners or operators of the hospital or authorized emergency
19 vehicle with providing life support and resuscitation to persons
20 who are in immediate danger of loss of life in cases of
21 emergency.

22 "Unsupervised" means leaving a child in a motor vehicle:



- 1 (1) Without an adult; or
- 2 (2) With a minor under the age of fifteen."

3 SECTION 2. Section 286-108, Hawaii Revised Statutes, is
 4 amended by amending subsection (a) to read as follows:

5 "(a) Except as provided in section 286-107.5(a), the
 6 examiner of drivers shall examine every applicant for a driver's
 7 license, except as otherwise provided in this part. The
 8 examination shall include a test of:

- 9 (1) The applicant's eyesight and any further physical
 10 examination that the examiner of drivers finds
 11 necessary to determine the applicant's fitness to
 12 operate a motor vehicle safely upon the highways;
- 13 (2) The applicant's ability to understand highway signs
 14 regulating, warning, and directing traffic;
- 15 (3) The applicant's knowledge of the rules of the road
 16 based on the traffic laws of the State and the traffic
 17 ordinances of the county where the applicant resides
 18 or intends to operate a motor vehicle; provided that
 19 the examination shall specifically test the
 20 applicant's knowledge of the provisions of section
 21 291C- ; and

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S.D. 2

1 (4) The actual demonstration of ability to exercise
2 ordinary and reasonable control in the operation of a
3 motor vehicle.

4 The examinations shall be appropriate to the operation of the
5 category of motor vehicle for which the applicant seeks to be
6 licensed and shall be conducted as required by the director.

7 The examiner of drivers shall require every applicant to
8 comply with section 286-102.5.

9 The examiner of drivers may waive the actual demonstration
10 of ability to operate a motorcycle or motor scooter for any
11 person who furnishes evidence, to the satisfaction of the
12 examiner of drivers, that the person has completed the
13 motorcycle education course approved by the director in
14 accordance with section 431:10G-104.

15 At the time of examination, an application for voter
16 registration by mail shall be made available to every applicant
17 for a driver's license.

18 For the purposes of this section, the term "applicant" does
19 not include any person reactivating a license under section
20 286-107.5(a)."



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1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

4 SECTION 4. New statutory material is underscored.

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



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Report Title:

Child Endangerment

Description:

Establishes a motor vehicle violation that prohibits leaving a child unsupervised in a motor vehicle. Requires the examiner of drivers to test driver's license applicants for knowledge of this offense. (SD2)

