

Honolulu, Hawaii

Feb 20, 2008

RE: H.B. No. 2034  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2034 entitled:

"A BILL FOR AN ACT RELATING TO UNATTENDED CHILDREN IN MOTOR VEHICLES,"

begs leave to report as follows:

The purpose of this bill is to protect children in motor vehicles by:

- (1) Making it a violation of the Statewide Traffic Code for the vehicle operator or an adult passenger to leave a child under the age of nine unattended in a vehicle for five or more minutes;
- (2) Allowing law enforcement, firefighter, or rescue team personnel to use whatever means reasonably necessary to protect the unattended child or others and to remove the unattended child from the motor vehicle, if they determine that the child is in physical danger or poses a danger to others;
- (3) Requiring law enforcement, firefighter, or rescue team personnel to immediately report the matter to a police officer if the person having care or custody of the unattended child cannot be located within a reasonable time;



- (4) Allowing the police officer to whom the matter is reported to assume protective custody of the child without a court order or consent of the child's family;
- (5) Including testing of an applicant's knowledge of this new violation on the driver's licensing examination; and
- (6) Requiring rental car companies to post notice of this new law in their rental vehicles.

The Department of the Prosecuting Attorney of the City and County of Honolulu, State Farm Mutual Automobile Insurance Company, Kids and Cars, and several concerned individuals supported this bill. The Office of the Public Defender opposed this bill.

Upon further consideration, your Committee has amended this measure by clarifying that the provision requiring testing of an applicant's knowledge of the violation on the driver's licensing examination shall not be repealed when section 286-108, Hawaii Revised Statutes, is re-enacted pursuant to section 15 of Act 72, Session Laws of Hawaii 2005. Technical, nonsubstantive amendments were also made for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2034, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2034, H.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
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TOMMY WATERS, Chair



