

Honolulu, Hawaii

March 20, 2008

RE: S.B. No. 2245
S.D. 1
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 Transportation, to which was referred S.B. No. 2245, S.D. 1, 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 the safety and welfare of children 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 are 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 Office of the Governor, Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, State Farm Automobile Insurance Company, and a concerned individual testified in support of this bill. The Department of Human Services supported the intent of this measure.

Each year, a significant number of children are left unattended in vehicles. Although many of these cases occur within the continental United States, Hawaii has had its share of cases in which children have been left alone in a vehicle for prolonged periods of time. Unfortunately, the consequences of such action can be devastating. A 2003 Centers for Disease Control and Prevention study reported that during July 2000 to June 2001, an estimated 9,160 nonfatal injuries and 78 fatal injuries occurred when children under the age of 15 were left unattended in or around motor vehicles that were not in traffic. More recently, media reports have noted that 35 children nationwide and two in Hawaii died in 2007 from being left alone in a car. Your Committee finds this to be unacceptable and that the children of Hawaii must be protected from these senseless and preventable acts.

Your Committee has amended this bill by making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2245, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2245, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.



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



JOSEPH M. SOUKI, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 1293-08

Record of Votes of the Committee on Transportation

Bill/Resolution No.: SB 2245, SD1	Committee Referral: TRN, JUD	Date: 10 MARCH 2008		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. NISHIMOTO, Scott Y. (VC)	/			
3. EVANS, Cindy	/			
4. HAR, Sharon E.				/
5. LEE, Marilyn B.	/			
6. LUKE, Sylvia	/			
7. McKELVEY, Angus L.K.				/
8. NAKASONE, Bob				/
9. SONSON, Alex M.				/
10. TAKAMINE, Dwight Y.	/			
11. TAKUMI, Roy M.				/
12. MEYER, Colleen Rose				/
13. PINE, Kymberly Marcos	/			
TOTAL (13)	7			6
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				