

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 2245  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2245 entitled:

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

begs leave to report as follows:

The purpose of this measure is to protect young children left  
unattended in motor vehicles by providing law enforcement with a  
preventive tool similar to the seat belt use and child safety seat  
laws.

Specifically, this measure prohibits operators and adult  
passengers of motor vehicles from leaving the vehicle with an  
unattended child under the age of nine inside for five minutes or  
more and makes such conduct a violation of the statewide traffic  
code, not a crime, for which a violator may only be fined. The  
measure grants law enforcement officers, firefighters, and rescue  
team personnel immunity from liability in any civil action for  
removing the child from the motor vehicle in good faith.

The measure also requires the examiner of drivers to  
specifically test an applicant for a driver's license for  
knowledge of the requirement. Finally, the measure requires  
lessors of rental motor vehicles to display at all times in a  
conspicuous place in each rental motor vehicle the prohibition  
against leaving a child unattended in a motor vehicle.



Your Committee received testimony in support of this measure from the Department of the Attorney General. The Department of the Prosecuting Attorney of the City and County of Honolulu and State Farm Mutual Automobile Insurance Company submitted late testimony in support of this measure.

Upon further consideration, your Committee has amended this measure to make technical nonsubstantive amendments including clarifying that the amendments made to section 286-108, Hawaii Revised Statutes, shall not be repealed when that section is repealed and reenacted on January 9, 2011, by Act 72, Session Laws of Hawaii 2005.

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

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



BRIAN T. TANIGUCHI, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 2245</b>	Committee Referral: <b>HSP, JDL</b>	Date: <b>2/25/08</b>
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The committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312     Pass, with amendments 2311     Hold 2310     Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)	/			
HEE, Clayton (VC)				/
GABBARD, Mike	/			
KOKUBUN, Russell S.	/			
NISHIHARA, Clarence K.				/
SLOM, Sam	/			
<b>TOTAL</b>	<b>4</b>			<b>2</b>

Recommendation:  Adopted     Not Adopted

Chair's or Designee's Signature:  


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\*Only one measure per Record of Votes