

Honolulu, Hawaii  
**January 28**, 2008

RE: H.B. No. 2034

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 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 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 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;



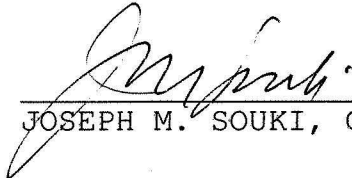
- (4) Allowing the police officer to whom the matter is reported to assume protective custody of the child without a court order or consent of the child's family;
- (5) Including testing of an applicant's knowledge of this new violation on the driver's licensing examination; and
- (6) Requiring rental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

The Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, and several concerned individuals testified in support of this bill. The Department of Human Services and Kokua Council 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 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.

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 H.B. No. 2034 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

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

  
\_\_\_\_\_  
JOSEPH M. SOUKI, Chair



HSCR3-08

State of Hawaii  
House of Representatives  
The Twenty-fourth Legislature

Record of Votes of the Committee on Transportation


|  |  |                             |
|--|--|-----------------------------|
| <b>Bill/Resolution No.:</b><br>HB 2034 | <b>Committee Referral:</b><br>TRN, JUD | <b>Date:</b><br>2008 JAN 23 |
|--|--|-----------------------------|

The committee is reconsidering its previous decision on the measure.

The recommendation is to:  Pass, unamended (as is)     Pass, with amendments (HD)     Hold  
 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   | /         |           |      |          |
| <b>TOTAL (13)</b>           | <b>10</b> |           |      | <b>3</b> |

The recommendation is:  Adopted     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