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**EXECUTIVE CHAMBERS
HONOLULU**

**LINDA LINGLE
GOVERNOR**

Testimony of Linda Smith
Senior Policy Advisor to the Governor

Before the

House Committee on Transportation

Monday, March 10, 2008
10:00 A.M.

SB2245 SD1

Representative Souki and Members of the Committee:

The Office of the Governor supports this measure, which makes it a violation of the traffic code to leave young children unattended in vehicles.

The purpose of this measure is to protect young children from being left unattended in motor vehicles. In light of incidents in Hawaii and around the nation where leaving children unattended in cars have led to tragic consequences, it is time for the State to take action.

This bill:

- 1) Makes 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) Allows 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) Requires 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) Allows 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) Includes testing of an applicant's knowledge of this new violation on the driver's licensing

LATE

examination; and

- 6) Requires rental car companies to post notice of this new law in their rental vehicles.

According to Kids in Cars, a nonprofit organization leading the charge for legislation on this subject, California, Connecticut, Florida, Illinois, Louisiana, Maryland, Nebraska, Nevada, Pennsylvania, Tennessee, Texas, and Washington (12 states) already have laws prohibiting children from being left unattended in motor vehicles. In addition, Kentucky and Missouri have laws that take effect when an injury or death occurs.

As previously cited in the testimony of the Department of the Prosecuting Attorney of Honolulu:

“When the outside temperature is 80 degrees F (a common occurrence in Hawaii), the temperature inside a car receiving direct sunlight can reach 110 degrees F after 5 minutes. When a child’s (or any other person’s) body temperature reaches 106 degrees F, he or she can die or suffer permanent disability from heat stroke. Children left unattended in cars have also died from strangulation by a power window, inadvertently knocking a vehicle into gear, carbon monoxide poisoning, falling out of the car and being run over, choking on a toy or being kidnapped. A 2003 Center for Disease Control and Prevention study reports that during July 2000 to June 2001, an estimated 9,160 non fatal injuries and 78 fatal injuries occurred in children 14 and younger as a result of being left unattended in or around motor vehicles that were not in traffic.”

The Office of the Governor believes this measure is necessary in order to discourage parents from leaving children unattended in vehicles in the State of Hawaii, and therefore respectfully requests its passage.



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

LATE

March 10, 2008

MEMORANDUM

TO: Honorable Joseph M. Souki, Chair
House Committee on Transportation

FROM: Lillian B. Koller, Director

SUBJECT: S. B. 2245, S. D. 1 RELATING TO UNATTENDED CHILDREN IN
MOTOR VEHICLES

Hearing: Monday, March 10, 2008, 10:00 a.m.
Conference Room 309, State Capitol

PURPOSE: The purpose of S. B. 2245, S. D., is to make it a violation of the statewide traffic code to leave a child unattended in a motor vehicle, to require the examiner of drivers to test driver's license applicants for knowledge of this offense, and to require notice of law in rental cars.

DEPARTMENT'S POSITION: The Department of Human Services appreciates and strongly supports the intent of this bill.

The Department is concerned that this bill defines "unsupervised" as leaving a child in a motor vehicle unaccompanied by a person of at least 12 years of age. This definition is unable to take into account the maturity of a 12 year old child, for example, as would be the case if an infant

was left in a motor vehicle with a 12 year old person who has a developmental delay or other limited cognitive functioning. We suggest deletion of this definition in order to provide law enforcement officers, firefighters and rescue personnel with the maximum ability to respond to an unsafe situation without unnecessary restrictions.

Thank you for this opportunity to testify.

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