
A BILL FOR AN ACT

RELATING TO CHILDREN AND ANIMALS LEFT UNATTENDED IN MOTOR
VEHICLES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii has been
2 rated as one of the worst states per capita for heatstroke
3 deaths among children. Frequently, these deaths occur when a
4 child is left unattended in a motor vehicle. There is no safe
5 amount of time to leave children alone in a motor vehicle,
6 regardless of whether the windows of the motor vehicle are left
7 open. Even on a relatively cool day, the temperature inside a
8 parked motor vehicle can quickly spike to life-threatening
9 levels if the sun is out. Temperatures inside a motor vehicle
10 can reach deadly peaks in ten minutes, and temperatures in
11 excess of 160 degrees Fahrenheit have been recorded in parked
12 motor vehicles. In addition, children are more susceptible and
13 at higher risk for heat-related illness and injury than adults
14 because their bodies generate more heat relative to their size
15 and their ability to cool through sweating is not as developed
16 as in adults.



1 The legislature further finds that hundreds of domestic
2 animals die every year from heat exhaustion because they are
3 left in parked motor vehicles. Animals can sustain brain damage
4 or even die from heatstroke in fifteen minutes. Coping with
5 heat is particularly difficult for dogs because they can only
6 cool themselves by panting and by sweating through their paw
7 pads. A dog trapped in a motor vehicle left out in the sun has
8 only hot air to breathe and cannot cool itself no matter how
9 hard it pants. As the air temperature rises, the dog's body
10 temperature rises until, within minutes, its brain and internal
11 organs are fatally damaged.

12 Immediate action is therefore critical when a child or
13 domestic animal is trapped in the heat inside of a motor
14 vehicle. Currently, section 291C-121.5, Hawaii Revised
15 Statutes, makes it a traffic violation to leave a child
16 unattended in a motor vehicle for five minutes or longer and
17 provides immunity from civil liability for first responders who
18 remove an unattended child from a motor vehicle to address a
19 physical danger. However, first responders may not always reach
20 the motor vehicle in time to rescue an unattended child from a



1 motor vehicle. Further, the law does not address situations in
2 which a domestic animal is left unattended in a motor vehicle.

3 The purpose of this Act is to amend the violation of
4 leaving a child unattended in a motor vehicle to:

5 (1) Include domestic animals left unattended in motor
6 vehicles; and

7 (2) Expand the immunity from civil liability for first
8 responders who remove unattended children from motor
9 vehicles, to include any person who, after summoning
10 first responders, removes an unattended child or
11 domestic animal from a motor vehicle to address an
12 imminent danger requiring immediate action.

13 SECTION 2. Section 291C-121.5, Hawaii Revised Statutes, is
14 amended to read as follows:

15 " ~~[+]~~§291C-121.5~~[+]~~ Leaving a child or domestic animal
16 unattended in a motor vehicle. (a) Notwithstanding chapter 571
17 or any other law to the contrary, ~~[a person]~~ the operator or an
18 adult passenger of a motor vehicle violates this section if the
19 ~~[person, being the]~~ operator or ~~[an]~~ adult passenger ~~[of a motor~~
20 ~~vehicle,~~ leaves the motor vehicle for five minutes or longer
21 when ~~[an unattended]~~ a child or domestic animal is left



1 unattended inside the vehicle, regardless of whether the
2 operator or adult passenger is charged with the care or custody
3 of the child[-] or domestic animal.

4 (b) Any law enforcement officer, firefighter, or rescue
5 team personnel who observes a child or domestic animal left
6 unattended in a motor vehicle and determines that the unattended
7 child or domestic animal is in physical danger, or poses a
8 danger to others, may use whatever means are reasonably
9 necessary to protect the child or domestic animal or others and
10 remove the child or domestic animal from the motor vehicle. If
11 the [~~person who left~~] operator or adult passenger of the motor
12 vehicle with an unattended child or domestic animal inside
13 cannot be located within a reasonable time, the law enforcement
14 officer, firefighter, or rescue team personnel, upon removing
15 the child or domestic animal from the motor vehicle, shall
16 immediately report the matter to a police officer, as defined
17 under section [+]587A-4[+], who may assume protective custody of
18 the child or domestic animal without a court order and without
19 the consent of the child's family[-] or the owner of the
20 domestic animal, as applicable.

21 (c) Any person who:



1 (1) Has summoned or attempted to summon a law enforcement
2 officer, firefighter, or rescue team personnel to
3 protect a child or domestic animal left unattended in
4 a motor vehicle as provided in subsection (b); and
5 (2) Has a reasonable belief, based upon the facts and
6 circumstances known to the person at the time, that a
7 law enforcement officer, firefighter, or rescue team
8 personnel will not arrive in time to protect the
9 unattended child or domestic animal from an imminent
10 physical danger that requires immediate action,
11 may use whatever means are reasonably necessary to protect the
12 child or domestic animal or others and remove the child or
13 domestic animal from the motor vehicle. If the operator or
14 adult passenger of the motor vehicle with an unattended child or
15 domestic animal inside cannot be located within a reasonable
16 time, the person, upon removing the child or domestic animal
17 from the motor vehicle, shall immediately report the matter to a
18 police officer, as defined under section 587A-4, who may assume
19 protective custody of the child or domestic animal without a
20 court order and without the consent of the child's family or the
21 owner of the domestic animal, as applicable.



1 ~~[(e) Law enforcement officers, firefighters, and rescue~~
2 ~~team personnel]~~ (d) No person shall [not] be liable in any
3 civil action to any party for any act performed in good faith
4 [under this section.] and in accordance with subsection (b) or
5 (c), as applicable, to remove an unattended child or domestic
6 animal from a motor vehicle or to otherwise protect the
7 unattended child or domestic animal.

8 ~~[(d)].~~ (e) As used in this section:

9 "Child" means a person under the age of nine.

10 "Rescue team personnel" means physicians, basic life
11 support personnel, advanced life support personnel, surgeons,
12 nurses, volunteers, or employees of the owners or operators of a
13 hospital or authorized emergency vehicle who have been trained
14 in basic or advanced life support and have been charged by the
15 owners or operators of the hospital or authorized emergency
16 vehicle with providing life support and resuscitation to persons
17 who are in immediate danger of loss of life in cases of
18 emergency.

19 "Unattended" means leaving a child~~[-]~~ or domestic animal:

20 (1) Alone in a motor vehicle; or



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1 (2) In a motor vehicle with a minor under the age of
2 twelve."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Cindy Evans

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JAN 22 2016



H.B. NO. 1862

Report Title:

Unattended Child or Domestic Animal in Motor Vehicle

Description:

Amends the violation of leaving a child unattended in a motor vehicle to (1) include domestic animals left unattended in motor vehicles; and (2) expand the immunity from civil liability for first responders who remove unattended children from motor vehicles, to include any person who, after summoning first responders, removes an unattended child or domestic animal from a motor vehicle to address an imminent danger requiring immediate action.

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