

SESSION OF 2007

SUPPLEMENTAL NOTE ON SENATE BILL NO. 77

As Amended by Senate Committee of the Whole

Brief*

SB 77, as amended, would enact the Unattended and Unsupervised Children in Motor Vehicles Safety Act. The bill would:

- Make it unlawful for any person to leave a child five years of age or younger unattended or unsupervised in a motor vehicle, except while the motor vehicle is being loaded or unloaded for more than five minutes;
- Establish a fine of \$25 for a first conviction;
- Provide that any driver convicted within three years of a prior conviction would be guilty of a class C misdemeanor and be subject to a fine of between \$250 and \$500;
- Provide that the law would be enforced by law enforcement officers on public and private property;
- Provide that on and after the effective date of the act and prior to July 1, 2008, a law enforcement officer would issue a warning citation to anyone violating the act;
- Require law enforcement personnel to write and deliver traffic citations for violations of the act; and
- Provide that law enforcement officers shall have immunity from civil or criminal liability when enforcing the law.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

Conferees who testified before the Senate Transportation Committee in support of the bill, as introduced, included: the President of KIDS AND CARS; a practicing pediatrician in Topeka; the Director, Injury Prevention, Office of Health Promotion, Kansas Department of Health and Environment; a representative of the Kansas Association of Chiefs of Police; a physician representing Safe Kids Kansas; and a nurse representing Children's Mercy Hospitals and Clinics. Written testimony in support of the bill also was submitted by: the Kansas Department of Transportation; State Child Death Review Board; AAA; KIDS IN CARS; the Kansas Highway Patrol; and Advocates for Highway and Auto Safety. No one testified against the bill. The President of KIDS AND CARS cited, among other things, that the Centers for Disease Control and Prevention reported that over 9,100 children were treated in hospital emergency rooms from July 2000 to June, 2001 due to noncrash events. Another supporter showed a video that demonstrated the dangers of leaving children unattended and unsupervised in a car.

The Senate amendment was proposed by a representative of the Kansas Association of Chiefs of Police. It would prevent law enforcement officers from being held legally liable when enforcing the law.

The Senate Committee of the Whole amendment would make it unlawful for any person (instead of any driver 16 years of age and older) to leave a child five years of age or less (instead of eight years of age or less) unattended or unsupervised in a motor vehicle. The other Senate Committee of the Whole amendment would provide an exception if the motor vehicle is being loaded or unloaded for more than five minutes.

An updated fiscal note was not available when the committee took action on the bill. The original fiscal note explained that SB 77 had the potential for increasing litigation. The Senate Committee amendment, however, would grant law enforcement immunity from any civil or criminal liability when enforcing the law.