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## A BILL FOR AN ACT

RELATING TO CHILD ENDANGERMENT.

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

1           SECTION 1. Chapter 291, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§291-       Leaving a child unsupervised in a motor vehicle.

5           (a) Notwithstanding chapter 571 or any other law to the  
6 contrary, a person commits the offense of leaving a child  
7 unsupervised in a motor vehicle if the person, whether or not  
8 charged with the care or custody of a child, leaves a child  
9 unsupervised in a motor vehicle.

10           (b) Any law enforcement officer, firefighter, or rescue  
11 team personnel who observes a child left unsupervised in a motor  
12 vehicle and determines that the unsupervised child is in  
13 physical danger, or poses a danger to others, may use whatever  
14 means are reasonably necessary to protect the child or others  
15 and remove the child from the motor vehicle.

16           (c) If the person who left the unsupervised child in the  
17 motor vehicle cannot be located within a reasonable time, the  
18 law enforcement officer, firefighter, or rescue team personnel,



1 upon removing the child from the motor vehicle, shall attach a  
2 written notification of the child's removal to the motor vehicle  
3 and deliver the child to the custody of the child protective  
4 services agency of the department of human services.

5 (d) Law enforcement officers, firefighters, and rescue  
6 team personnel shall not be liable in any civil action to any  
7 party for any act performed in good faith under this section.

8 (e) Leaving a child unsupervised in a motor vehicle is a  
9 violation and subject to the penalties in section 291c-161(b),  
10 for which there shall be absolute liability as provided in  
11 section 702-212.

12 (f) As used in this section:

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

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



1 "Unsupervised" means leaving a child in a motor vehicle:

2 (1) Alone in the vehicle; or

3 (2) With a minor under the age of fifteen."

4 SECTION 2. Section 286-108, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6 "(a) Except as provided in section 286-107.5(a), the  
7 examiner of drivers shall examine every applicant for a driver's  
8 license, except as otherwise provided in this part. The  
9 examination shall include a test of:

- 10 (1) The applicant's eyesight and any further physical
- 11 examination that the examiner of drivers finds
- 12 necessary to determine the applicant's fitness to
- 13 operate a motor vehicle safely upon the highways;
- 14 (2) The applicant's ability to understand highway signs
- 15 regulating, warning, and directing traffic;
- 16 (3) The applicant's knowledge of the rules of the road
- 17 based on the traffic laws of the State and the traffic
- 18 ordinances of the county where the applicant resides
- 19 or intends to operate a motor vehicle; provided that
- 20 the examination shall specifically test the
- 21 applicant's knowledge of the provisions of section
- 22 291C- ; and



1           (4) The actual demonstration of ability to exercise  
2           ordinary and reasonable control in the operation of a  
3           motor vehicle.

4 The examinations shall be appropriate to the operation of the  
5 category of motor vehicle for which the applicant seeks to be  
6 licensed and shall be conducted as required by the director.

7           The examiner of drivers shall require every applicant to  
8 comply with section 286-102.5.

9           The examiner of drivers may waive the actual demonstration  
10 of ability to operate a motorcycle or motor scooter for any  
11 person who furnishes evidence, to the satisfaction of the  
12 examiner of drivers, that the person has completed the  
13 motorcycle education course approved by the director in  
14 accordance with section 431:10G-104.

15           At the time of examination, an application for voter  
16 registration by mail shall be made available to every applicant  
17 for a driver's license.

18           For the purposes of this section, the term "applicant" does  
19 not include any person reactivating a license under section  
20 286-107.5(a)."



1 SECTION 3. Section 437D-13, Hawaii Revised Statutes, is  
2 amended by amending its title and subsection (a) to read as  
3 follows:

4 "§437D-13 Notice and posting required concerning [seat  
5 ~~belt, child passenger restraint, and operating a vehicle under~~  
6 ~~the influence]~~ certain motor vehicle laws. (a) Every lessor  
7 shall display at all times in a conspicuous place in each rental  
8 motor vehicle offered to the public, a decal, written in plain  
9 language and in no less than ten-point type, that informs the  
10 lessee of:

- 11 (1) Hawaii's seat belt and child passenger restraint laws  
12 and the prohibition against operating a vehicle under  
13 the influence of an intoxicant[+] and leaving a child  
14 unsupervised in a motor vehicle; and  
15 (2) The existence and location of additional information  
16 concerning the laws relating to seat belts, child  
17 passenger restraints, [~~and~~] operating a vehicle under  
18 the influence of an intoxicant[+], and leaving a child  
19 unsupervised in a motor vehicle.

20 The requirements and penalties of Hawaii's seat belt laws and  
21 child passenger restraint laws, as provided in sections 291-11.5  
22 and 291-11.6, and the prohibition against and penalties for



1 operating a vehicle under the influence of an intoxicant, as  
2 provided in section 291E-61, shall be printed on a card which  
3 shall be placed in the glove compartment of every rental motor  
4 vehicle offered to the public."

5 SECTION 4. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun, before its effective date.

8 SECTION 5. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

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**Report Title:**

Child Endangerment

**Description:**

Establishes a motor vehicle violation that prohibits leaving a child unsupervised in a motor vehicle. Requires the examiner of drivers to test driver's license applicants for knowledge of this offense.

