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



1 from the motor vehicle, shall immediately report the matter to a
2 police officer as defined under section 587-2 who may assume
3 protective custody of the child without a court order and
4 without the consent of the child's family pursuant to section
5 587-22.

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

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

13 (e) As used in this section:

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

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



1 who are in immediate danger of loss of life in cases of
2 emergency.

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

4 (1) Alone in the vehicle; or

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

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

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

12 (1) The applicant's eyesight and any further physical
13 examination that the examiner of drivers finds
14 necessary to determine the applicant's fitness to
15 operate a motor vehicle safely upon the highways;

16 (2) The applicant's ability to understand highway signs
17 regulating, warning, and directing traffic;

18 (3) The applicant's knowledge of the rules of the road
19 based on the traffic laws of the State and the traffic
20 ordinances of the county where the applicant resides
21 or intends to operate a motor vehicle; provided that
22 the examination shall specifically test the



1 applicant's knowledge of the provisions of section

2 291- ; and

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

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

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

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

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

20 For the purposes of this section, the term "applicant" does
21 not include any person reactivating a license under section
22 286-107.5(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~~] motor vehicle laws. (a) Every lessor shall
7 display at all times in a conspicuous place in each rental motor
8 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.



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 (HB356 HD1).

