



Fact Sheet --- HB 2732 (Huff)

KIDS AND CARS Unattended and Unsupervised Children In Motor Vehicle Safety Act

Background: The Need to Protect Children

KIDS AND CARS is dedicated to eliminating the common practice of leaving children unattended in motor vehicles and therefore reducing the incidence of injury and death to children. Hundreds of children have died or been injured in Kansas as a result of being left alone in motor vehicles. These tragedies are truly heart-wrenching; but preventable.

There is a need for a law to raise public awareness about the dangers of leaving children unattended inside motor vehicles. Well-meaning parents and caregivers of all socioeconomic levels leave children alone in automobiles every day for a variety of reasons, but primarily because they are unaware of the dangers associated with leaving them alone. Education alone is not enough to change behaviors associated with this dangerous practice. Through legislation and education the practice of leaving children unattended in motor vehicles can be greatly reduced with increased awareness of the risks associated with this dangerous practice.

Currently a law enforcement officer only has two choices when they come upon the scene where a child has been left alone in a vehicle. (1) They can find the parent or caregiver and give them a scolding; or (2) Take the children from the parents and put them in child protective services and charge the parent or caregiver with child endangerment or child neglect. In many cases, these two choices are not what is needed. A 'scolding' will probably not change the dangerous behavior and the child endangerment or neglect charge may seem too harsh. We believe that law enforcement officers need another "tool" to prevent children from being left alone in vehicles and that 'tool' is a specific law against this practice. It enables them and the community to educate parents and caregivers to better understand the dangers of leaving children alone and unsupervised in motor vehicles.

Too often, there are serious dangers associated with leaving a young child alone in a car. For example, when the outside temperature is 80° F, the temperature inside a car receiving direct sunlight can reach 110° F after 5 minutes.¹ When a person's body temperature reaches 106° F, he or she can die or suffer permanent disability from heat stroke.² Other children have died from being strangled by a power window, inadvertently knocking a car into gear, carbon monoxide poisoning, falling out of the car and being run over, can choke on a toy or be kidnapped. Also, children have been injured when the car is stolen.

Bill Digest

HB2732 authorizes a fine of \$25 if a driver leaves a child 8 years or younger unattended and unsupervised in a motor vehicle and not accompanied by another person 13 years of age or older. (an unclassified misdemeanor)

If a driver is convicted for a second time within 3 years of a prior conviction, they will be guilty of a class C misdemeanor and pay a fine of at least \$250; but not more than \$500.

¹ Heat Stress From Enclosed Vehicles: Moderate Ambient Temperatures Cause Significant Temperature Rise in Enclosed Vehicles, McLaren, Null, Quinn, Pediatrics 2005; 116:109-112

² Heat Related Mortality, Arizona 1993-2002 and United States 1979-2002, Vol 54, NoMM 25;628

A public education program will be developed to increase awareness about the dangers of leaving children and unsupervised in motor vehicles.

Nothing in this section precludes prosecution under any other provision of law.

Support

This bill was recommended by the KIDS AND CARS organization. The following groups support HB 2732:

Safe Kids Kansas, Advocates for Highway and Auto Safety

There is no known opposition to this bill.

Conclusion

Research studies conclude that infants and young children should never be left unattended in a vehicle even if "just for a few minutes."³ Aside from heat death, a tragedy can occur when the car is stolen while the child is left in the vehicle, from the actions of a young child who places the car into gear, or who plays with the power windows.

Eleven states have already adopted state laws prohibiting the leaving of young children alone in a motor vehicle. These states are California, Connecticut, Florida, Illinois, Louisiana, Maryland, Nebraska, Nevada, Pennsylvania, Texas, and Washington. We are working with the remaining states interested in passing legislation. Our goal is to have a law that specifically addresses the need for prevention and education about this dangerous behavior in every state.

It is time for Kansas to take effective, reasonable steps to prevent child injuries and deaths from this most preventable life safety risk. HB2732 will provide both the monetary incentive to prevent injuries⁴ as well as provide a means of educating the public about the grave dangers associated with leaving a child alone in a vehicle.

A 2003 Centers for Disease Control and Prevention (CDC) study reports that during July 2000-June 2001, an estimated 9,160 nonfatal 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. KIDS AND CARS has documented over 1000 child deaths in the US within the last decade because children were left unattended in or around vehicles.

Kansas Childcare Regulations already recognize this dangerous practice. KAR 28-4-130(a)(1)(6)(E) was promulgated in 1990 and states "children under 10 years of age shall not be left in a vehicle unattended by an adult. When the vehicle is vacated, the driver shall make certain no child is left in the vehicle."

Kansas already has laws making it illegal to leave an animal alone in any place without making provisions for its proper care. [21-4310(a)(2-3) Cruelty to animals]

The KIDS AND CARS Unattended and Unsupervised Children In Motor Vehicle Safety Act does not apply if an unattended child or another person is injured or medical services are rendered. Nothing in this act precludes prosecution under any other provision of law. (e.g., child neglect/endangerment, etc.)

Last updated 1/26/06

³ Heat related deaths to young children in parked cars; an analysis of 171 fatalities in the United States, 1995-2002, Guard, Gallagher, Injury Prevention 2005; 11:33-37

⁴ A monetary penalty is important because in reviewing the effectiveness of seat belt laws, it has been found that "no country has achieved sustained belt use rates above 35% without enactment of laws requiring their use." A publicity or education campaign alone was not effective. 2001 Seat Belt Summit, Automotive Coalition for Traffic Safety, Inc., January 11-13, 2001.