

STATE OF OKLAHOMA
1st Session of the 51st Legislature (2007)

SENATE BILL 551

By: Paddack

AS INTRODUCED

An Act relating to motor vehicles; creating the Unattended Children in Motor Vehicle Safety Act; providing short title; defining terms; prohibiting certain unlawful acts; providing exception; providing penalties; stating certain preclusion; providing for noncodification; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows: This act shall be known and may be cited as the "Unattended Children in Motor Vehicle Safety Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-1117 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. As used in the Unattended Children in Motor Vehicle Safety Act:

1. "Person responsible for a child" means a custodial parent or legal guardian of a child, or a person who has been directed or authorized to supervise a child by that child's custodial parent or legal guardian;
2. "Unattended" means beyond a person's direct ability to care for or come to the aid of the child; and
3. "Motor vehicle" means the same as defined in Section 1-134 of Title 47 of the Oklahoma Statutes.

B. A person responsible for a child who is six (6) years of age or younger shall not leave that child unattended in a motor vehicle if:

1. The conditions, including, but not limited to, extreme weather, inadequate ventilation, or hazardous or malfunctioning components within the vehicle, present a risk to the health or safety of the unattended child; or
2. The engine of the motor vehicle is running or the keys to the motor vehicle are anywhere in the passenger compartment of the vehicle.

C. It shall not be considered a violation of this section if the child is accompanied in the motor vehicle by a person at least twelve (12) years of age who is not mentally incompetent as defined by Section 1-103 of Title 43A of the Oklahoma Statutes.

D. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than Two Hundred Dollars (\$200.00). Any person convicted of a second or subsequent violation of the provisions of this section shall be punished by a fine of not less than Five Hundred Dollars (\$500.00).

E. Any person convicted of violating the provisions of this section who has left a child unattended on the premises of any establishment which holds any license for the sale of alcoholic beverages for consumption on the premises pursuant to Section 521 of Title 37 of the Oklahoma Statutes, and who has consumed any alcoholic beverage during the period of time the child has been unattended, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00).

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

SECTION 3. This act shall become effective November 1, 2007