

Regular Session, 2003

HOUSE BILL NO. 121

BY REPRESENTATIVES SHAW AND ILES

MTR VEHICLE/VIOLATIONS: Provides penalties for leaving children under the age of six unattended and unsupervised in motor vehicles

1 AN ACT

2 To enact R.S. 32:295.3, relative to motor vehicle regulations; to prohibit  
3 drivers or operators from leaving children under the age of six  
4 unattended and unsupervised in motor vehicles; to provide for  
5 definitions; to provide for limitations of liability; to provide for  
6 applicability; to provide for penalties; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:295.3 is hereby enacted to read as follows:

10 §295.3. Leaving children unattended and unsupervised in motor  
11 vehicles; prohibition; penalties

12 A. It is unlawful for any driver or operator to leave a child or  
13 children under the age of six years unattended and unsupervised in a  
14 motor vehicle.

15 B.(1) The term "unattended" as used in this Section means a  
16 child who has been left in a motor vehicle when the driver or operator

1           of the vehicle is more than ten feet from the vehicle and unable to  
2           continuously observe the child.

3           (2) The term "unsupervised" as used in this Section means an  
4           unattended child when a person ten years of age or older is not  
5           physically present in the motor vehicle.

6           C.(1) A law enforcement officer who observes a child left  
7           unattended and unsupervised, for a period in excess of ten minutes, in  
8           violation of the provisions of this Section shall use whatever means are  
9           reasonably necessary to protect the child and remove the child from the  
10          motor vehicle.

11          (2) If the child is removed from the immediate area by a law  
12          enforcement officer pursuant to the provisions of this Section, the law  
13          enforcement officer shall place notification on the motor vehicle. The  
14          law enforcement officer shall hold the child until the parent or guardian  
15          returns. The parent or guardian shall be issued a summons which  
16          carries a fine that shall not exceed twenty-five dollars.

17          D. Any law enforcement officer acting in good faith pursuant  
18          to the provisions of this Section shall have immunity from any civil  
19          liability that otherwise might be incurred or imposed.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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Shaw, Iles

HB No. 121

**Abstract:** Provides penalties for leaving children under the age of six unattended and unsupervised in a motor vehicle.

Proposed law prohibits leaving a child or children under the age of six unattended and unsupervised in motor vehicles.

Proposed law provides for a penalty not to exceed \$25.

Proposed law defines "unattended" as a child who has been left in a motor vehicle when the driver or operator of the vehicle is more than 10 feet from the vehicle and unable to continuously observe the child.

Proposed law defines "unsupervised" as an unattended child when a person 10 years of age or older is not physically present in the motor vehicle.

Proposed law provides that a law enforcement officer who observes a child left unattended and unsupervised for more than 10 minutes shall use whatever means are reasonably necessary to protect the child and remove the child from the motor vehicle.

Proposed law further provides that if the child is removed from the immediate area by a law enforcement officer, the law enforcement officer shall place notification on the motor vehicle. Requires that the officer hold the child until the parent or guardian returns.

Proposed law provides civil immunity to law enforcement officers acting in good faith.

(Adds R.S. 32:295.3)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill.

1. Replaced a requirement that the child be placed in the custody of the Department of Social Services with a requirement that the law enforcement officer notify and release the child to the Louisiana Department of Social Services.
2. Added an authorization for the Louisiana Department of Social Services to release the child or secure an instanter order as provided by law.

#### House Floor Amendments to the engrossed bill.

1. Changes penalty for violation from \$100 plus court costs to a maximum fine of \$25.
2. Adds requirement that child be unattended *for 10 minutes* before an officer can remove the child.
3. Changes minimum age of person who can qualify as the supervisor of the child from 14 to 10.

4. Deletes requirement that the child be released to DSS and requires instead that the officer hold the child until the parent returns.