

SENATE BILL No. 77

By Committee on Transportation

1-12

9 AN ACT relating to motor vehicles; enacting the unattended and unsu-
10 pervised children in motor vehicles safety act; amending K.S.A. 8-2106
11 and repealing the existing section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) As used in this section:

15 (1) "Motor vehicle" shall have the meaning ascribed to it in K.S.A.
16 8-1437, and amendments thereto, but shall not include a motor home, as
17 defined in K.S.A. 8-1436, and amendments thereto or truck tractor, as
18 defined in K.S.A. 8-1483, and amendments thereto; and

19 (2) "unattended and unsupervised" means leaving a child in a motor
20 vehicle not accompanied by another person 13 years of age or older.

21 (b) It shall be unlawful for any driver who is 16 years of age or older
22 to leave a child eight years of age or less unattended and unsupervised in
23 a motor vehicle.

24 (c) (1) Any driver violating the provisions of subsection (b), upon a
25 first conviction, shall be guilty of an unclassified misdemeanor punishable
26 by a fine of \$25.

27 (2) Any driver convicted of violating the provisions of subsection (b)
28 within three years of any such prior conviction shall be guilty of a class C
29 misdemeanor and shall be subject to a fine of at least \$250 but not more
30 than \$500.

31 (d) The provisions of this section shall be enforced by law enforce-
32 ment officers on public and private property.

33 (e) On and after the effective date of this act, and prior to July 1,
34 2008, a law enforcement officer shall issue a warning citation to anyone
35 violating this section.

36 (f) Any law enforcement officer who observes a child left unattended
37 and unsupervised in a motor vehicle in violation of this section may use
38 whatever means are reasonably necessary to protect the child and remove
39 the child from the motor vehicle.

40 (g) Nothing in this section precludes prosecution under any other
41 provision of law.

42 New Sec. 2. The secretary of transportation shall develop a program
43 of public education that includes education on and increases the aware-

1 ness of the dangers of leaving young children unattended and unsuper-
2 vised in motor vehicles. As part of this program, the Kansas department
3 of transportation shall make available to law enforcement officers for dis-
4 semination, information concerning the dangers of leaving young children
5 unattended and unsupervised in motor vehicles.

6 New Sec. 3. The provisions of sections 1 and 2, and amendments
7 thereto, may be cited as the unattended and unsupervised children in
8 motor vehicles safety act.

9 Sec. 4. K.S.A. 8-2106 is hereby amended to read as follows: 8-2106.

10 (a) A law enforcement officer may prepare and deliver to a person a
11 written traffic citation on a form approved by the division of ~~motor~~ ve-
12 hicles, if the law enforcement officer stops the person for a violation of:

13 (1) The uniform act regulating traffic on highways, which violation is
14 a misdemeanor or a traffic infraction;

15 (2) K.S.A. 8-262, 8-287, 8-2,144, 21-3610, 21-3610a, 21-3722, 21-
16 3724, 21-3725, 21-3728, 21-4101, 40-3104, 40-3106, 41-715, 41-724, 41-
17 727, 47-607, 66-1,111, 66-1,129, 66-1,139, 66-1,140, 66-273, 66-1314, 66-
18 1324, 66-1330, 66-1331, 66-1332, 68-2104, 68-2106, subsection (b) of
19 K.S.A. 79-34,122, or K.S.A. 8-1599, and amendments thereto;

20 (3) K.S.A. 31-155 and amendments thereto involving transportation
21 of bottle rockets;

22 (4) K.S.A. 66-1314 or 66-1328, and amendments thereto, and any
23 rules and regulations adopted pursuant thereto;

24 (5) any rules and regulations adopted pursuant to K.S.A. 2-1212, 68-
25 2001 or 31-146, and amendments thereto;

26 (6) any rules and regulations adopted pursuant to K.S.A. 31-133 and
27 amendments thereto relating to transportation of materials or fuel; or

28 (7) K.S.A. 8-1343 through 8-1347 and amendments thereto relating
29 to the child passenger safety act; or

30 (8) K.S.A. 8-2501 through 8-2507 and amendments thereto relating
31 to the safety belt use act.

32 (b) *A law enforcement officer may prepare and deliver to a person a*
33 *written traffic citation on a form approved by the division of vehicles for*
34 *a violation of section 1, and amendments thereto, relating to the unat-*
35 *tended and unsupervised children in motor vehicles safety act.*

36 ~~(b)~~ (c) The citation shall contain a notice to appear in court, the name
37 and address of the person, the type of vehicle the person was driving,
38 whether hazardous materials were being transported, whether an acci-
39 dent occurred, the state registration number of the person's vehicle, if
40 any, a statement whether the vehicle is a commercial vehicle, whether
41 the person is licensed to drive a commercial motor vehicle, the offense
42 or offenses charged, the time and place when and where the person shall
43 appear in court, the signature of the law enforcement officer, and any

1 other pertinent information.

2 ~~(e)~~ (d) The time specified in the notice to appear shall be at least five
3 days after the alleged violation unless the person charged with the vio-
4 lation demands an earlier hearing.

5 ~~(f)~~ (e) The place specified in the notice to appear shall be before a
6 judge of the district court within the county in which the offense is alleged
7 to have been committed.

8 ~~(g)~~ (f) Except in the circumstances to which subsection (a) of K.S.A.
9 8-2104, and amendments thereto, apply, in the discretion of the law en-
10 forcement officer, a person charged with a misdemeanor may give written
11 promise to appear in court by signing at least one copy of the written
12 citation prepared by the law enforcement officer, in which event the law
13 enforcement officer shall deliver a copy of the citation to the person and
14 shall not take the person into physical custody.

15 ~~(h)~~ (g) When a person is charged with a traffic infraction, the notice
16 to appear shall provide a place where the person may make a written
17 entry of appearance, waive the right to a trial and plead guilty or no
18 contest. The notice to appear shall provide a space where the law en-
19 forcement officer shall enter the appropriate fine specified in the uniform
20 fine schedule contained in K.S.A. 8-2118, and amendments thereto, for
21 the violation charged and court costs in the amount provided by law. If
22 the notice to appear does not do so, the law enforcement officer shall
23 provide a person charged with a traffic infraction a form explaining the
24 person's right to appear and right to a trial, the person's right to pay the
25 appropriate fine and court costs prior to the appearance date, and that
26 failure to either pay such fine and court costs or appear at the specified
27 time may result in suspension of the person's driver's license. The law
28 enforcement officer shall provide the person with the address of the court
29 to which the written entry of appearance, waiver of trial, plea of guilty or
30 no contest and payment of fine and court costs shall be mailed.

31 ~~(i)~~ (h) Any officer violating any of the provisions of subsection ~~(f)~~ (g)
32 is guilty of misconduct in office and shall be subject to removal from
33 office.

34 Sec. 5. K.S.A. 8-2106 is hereby repealed.

35 Sec. 6. This act shall take effect and be in force from and after its
36 publication in the statute book.