

[As Amended by Senate Committee of the Whole]

As Amended by House Committee

Session of 2006

HOUSE BILL No. 2732

By Representative Huff

1-25

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

15
16 *Be it enacted by the Legislature of the State of Kansas:*

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

18 (1) “Motor vehicle” ~~shall have the meaning ascribed to it in K.S.A.~~
19 ~~8-1437, and amendments thereto~~ ***[means a passenger vehicle, as de-***
20 ***finied in K.S.A. 8-1445, and amendments thereto, including vans, but***
21 ***does not include a motor home, as defined in K.S.A. 8-1436, and***
22 ***amendments thereto]***; and

23 (2) “unattended and unsupervised” means leaving a child in a motor
24 vehicle not accompanied by another person 13 years of age or older.

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

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

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

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

37 (e) Nothing in this section precludes prosecution under any other
38 provision of law.

39 New Sec. 2. The secretary of transportation shall develop a program
40 of public education that includes education on and increases the aware-
41 ness of the dangers of leaving young children unattended and unsuper-
42 vised in motor vehicles. As part of this program, the Kansas department
43 of transportation shall make available to law enforcement officers for dis-

1 semination, information concerning the dangers of leaving young children
2 unattended and unsupervised in motor vehicles.

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

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

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

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

12 (2) K.S.A. 8-262, 8-287, 8-2,144, 21-3610, 21-3610a, 21-3722, 21-
13 3724, 21-3725, 21-3728, 21-4101, 40-3104, 40-3106, 41-715, 41-724, 41-
14 727, 47-607, 66-1,111, 66-1,129, 66-1,139, 66-1,140, 66-273, 66-1314, 66-
15 1324, 66-1330, 66-1331, 66-1332, 68-2104, 68-2106, subsection (b) of
16 K.S.A. 79-34,122, or K.S.A. 8-1599, and amendments thereto;

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

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

21 (5) any rules and regulations adopted pursuant to K.S.A. 2-1212, 68-
22 2001 or 31-146, and amendments thereto;

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

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

27 (8) K.S.A. 8-2501 through 8-2507 and amendments thereto relating
28 to the safety belt use act; ~~or~~.

29 ~~(9)~~ **(b)** **A law enforcement officer may prepare and deliver to a**
30 **person a written traffic citation on a form approved by the division**
31 **of motor vehicles for a violation of section 1, and amendments thereto,**
32 *relating to the unattended and unsupervised children in motor vehicles*
33 *safety act.*

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

43 ~~(c)~~ **(d)** The time specified in the notice to appear shall be at least five

1 days after the alleged violation unless the person charged with the vio-
2 lation demands an earlier hearing.

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

6 ~~(e)~~ **(f)** Except in the circumstances to which subsection (a) of K.S.A.
7 8-2104, and amendments thereto, apply, in the discretion of the law en-
8 forcement officer, a person charged with a misdemeanor may give written
9 promise to appear in court by signing at least one copy of the written
10 citation prepared by the law enforcement officer, in which event the law
11 enforcement officer shall deliver a copy of the citation to the person and
12 shall not take the person into physical custody.

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

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

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

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