

1 SB317  
2 114093-1  
3 By Senators Figures, Mitchem, Sanders, Dunn, Little (T),  
4 Benefield, Coleman, Ross, Waggoner, Glover, Erwin, Barron,  
5 Mitchell, Pittman, Orr, Little (Z), Means, Preuitt, Holley,  
6 Singleton, French, Butler, Penn, Marsh, Smith, Poole, Brooks,  
7 Sanford, Smitherman, Dixon, Denton, Bedford and Keahey  
8 RFD: Education  
9 First Read: 02-FEB-10

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8 SYNOPSIS: This bill would make it unlawful for a day  
9 care provider or a person for hire to leave a child  
10 12 years of age or younger in a motor vehicle  
11 unless the child is supervised by a person who is  
12 14 years of age or older; would define motor  
13 vehicle; and would provide penalties for a first,  
14 second, or subsequent offense; and would make it a  
15 Class C felony if the child is injured or a Class B  
16 felony if the child is fatally injured.

17 Amendment 621 of the Constitution of Alabama  
18 of 1901, now appearing as Section 111.05 of the  
19 Official Recompilation of the Constitution of  
20 Alabama of 1901, as amended, prohibits a general  
21 law whose purpose or effect would be to require a  
22 new or increased expenditure of local funds from  
23 becoming effective with regard to a local  
24 governmental entity without enactment by a 2/3 vote  
25 unless: it comes within one of a number of  
26 specified exceptions; it is approved by the  
27 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to  
2 the entity for the purpose.

3 The purpose or effect of this bill would be  
4 to require a new or increased expenditure of local  
5 funds within the meaning of the amendment. However,  
6 the bill does not require approval of a local  
7 governmental entity or enactment by a 2/3 vote to  
8 become effective because it comes within one of the  
9 specified exceptions contained in the amendment.

10  
11 A BILL  
12 TO BE ENTITLED  
13 AN ACT  
14

15 Relating to children; to prohibit a day care  
16 provider or person for hire to leave a child unattended in a  
17 motor vehicle unless supervised by a person 14 years of age or  
18 older; to provide penalties based on certain factors; and in  
19 connection therewith would have as its purpose or effect the  
20 requirement of a new or increased expenditure of local funds  
21 within the meaning of Amendment 621 of the Constitution of  
22 Alabama of 1901, now appearing as Section 111.05 of the  
23 Official Recompilation of the Constitution of Alabama of 1901,  
24 as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1                   Section 1. This act shall be known and cited as the  
2 "Amiyah White Unattended Children in Motor Vehicle Safety  
3 Act."

4                   Section 2. (a) For purposes of this act, the term  
5 "motor vehicle" shall mean any motor vehicle as defined in  
6 Section 32-1-1.1 of the Code of Alabama 1975.

7                   (b) (1) A day care provider or a person for hire  
8 responsible for a child 12 years of age or younger shall not  
9 leave the child in a motor vehicle unattended unless the child  
10 is supervised by a person who is 14 years of age or older.

11                   (2) Upon a first conviction, a person violating this  
12 section shall be fined not less than two thousand dollars  
13 (\$2,000).

14                   (3) Upon a second or subsequent conviction which  
15 occurs after a conviction has been obtained for a previous  
16 violation, a person violating this section shall be guilty of  
17 a Class A misdemeanor.

18                   (4) If the child is injured as a result of a  
19 violation of this section, a person violating this section is  
20 guilty of a Class C felony.

21                   (5) If the child is fatally injured as a result of a  
22 violation of this section, a person violating this section is  
23 guilty of a Class B felony.

24                   Section 3. Notwithstanding the foregoing, nothing in  
25 this act shall limit any existing cause of action or right to  
26 bring a cause of action. A violation of this act shall not be

1 considered evidence of contributory negligence and the  
2 liability of an insurer shall not be limited or mitigated.

3 Section 4. Although this bill would have as its  
4 purpose or effect the requirement of a new or increased  
5 expenditure of local funds, the bill is excluded from further  
6 requirements and application under Amendment 621, now  
7 appearing as Section 111.05 of the Official Recompilation of  
8 the Constitution of Alabama of 1901, as amended, because the  
9 bill defines a new crime or amends the definition of an  
10 existing crime.

11 Section 5. This act shall become effective on the  
12 first day of the third month following its passage and  
13 approval by the Governor, or its otherwise becoming law.