

1 SB397
2 138488-3
3 By Senators Figures, Smith, Irons, Beasley, Fielding, Dunn,
4 Ross, Brewbaker, Holtzclaw, Reed, Bussman, Marsh, Smitherman,
5 Sanders, Coleman, Singleton, Ward, Glover, Bedford, Waggoner,
6 Taylor, Scofield, Dial, Williams, Orr, Beason, Holley, McGill,
7 Blackwell, Allen, Whatley, Pittman, Brooks, Keahey, and
8 Sanford
9 RFD: Children, Youth Affairs, and Human Resources
10 First Read: 15-MAR-12

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to children and incapacitated persons; to
12 prohibit child and incapacitated person day care providers
13 from leaving a child or incapacitated person unattended in a
14 motor vehicle, unless the child or incapacitated person is
15 supervised by a person of a certain age, and would determine
16 penalties for a first, second, or subsequent conviction when
17 the child or incapacitated person is injured or fatally
18 injured; and in connection therewith would have as its purpose
19 or effect the requirement of a new or increased expenditure of
20 local funds within the meaning of Amendment 621 of the
21 Constitution of Alabama of 1901, now appearing as Section
22 111.05 of the Official ReCompilation of the Constitution of
23 Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

4 (b) (1) A licensed day care center, a licensed child
5 care facility, a program providing day care service to
6 incapacitated persons, as defined in Section 26-2A-20, or any
7 other child care service that is exempt from licensing
8 pursuant to Section 38-7-3 of the Code of Alabama 1975, or an
9 employee thereof, or a person for hire responsible for an
10 incapacitated person, as defined in Section 26-2A-20, or a
11 child under the age of 19 shall not leave the child or
12 incapacitated person in a motor vehicle unattended unless the
13 child or incapacitated person is supervised by a person who is
14 at least 19 years of age or older.

15 (2) A person violating this section shall be fined
16 not less than two thousand dollars (\$2,000), except if a
17 person has a prior conviction or adjudication under this
18 section, the offense is a Class C misdemeanor.

19 (3) For purposes of determining prior conviction or
20 adjudication pursuant to subdivision (2), conviction in
21 municipal court shall be included.

22 (4) If the child or incapacitated person, as defined
23 in Section 26-2A-20, receives physical injury as a result of a
24 violation of this section, the person violating this section
25 is guilty of a Class A misdemeanor.

26 (5) If the child or incapacitated person, as defined
27 in Section 26-2A-20, receives serious physical injury as a

1 result of a violation of this section, the person violating
2 this section is guilty of a Class C felony.

3 (6) If the child or incapacitated person, as defined
4 in Section 26-2A-20, is fatally injured as a result of a
5 violation of this section, the person violating this section
6 is guilty of a Class B felony.

7 Section 3. Notwithstanding the foregoing, nothing in
8 this act shall limit any existing cause of action or right to
9 bring a cause of action. A violation of this act shall not be
10 considered evidence of contributory negligence and the
11 liability of an insurer shall not be limited or mitigated.

12 Section 4. Although this bill would have as its
13 purpose or effect the requirement of a new or increased
14 expenditure of local funds, the bill is excluded from further
15 requirements and application under Amendment 621, now
16 appearing as Section 111.05 of the Official Recompilation of
17 the Constitution of Alabama of 1901, as amended, because the
18 bill defines a new crime or amends the definition of an
19 existing crime.

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

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Senate

Read for the first time and referred to the Senate
committee on Children, Youth Affairs, and Human
Resources..... 15-MAR-12

Read for the second time and placed on the calen-
dar 1 amendment..... 22-MAR-12

Read for the third time and passed as amended 03-MAY-12

Yeas 28
Nays 0

Patrick Harris
Secretary