

SESSION OF 2024

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2680

As Amended by House Committee on
Transportation

Brief*

HB 2680, as amended, would create a traffic infraction for a parent, legal guardian, or other person responsible for a child who knowingly leaves a child age 6 or younger inside a motor vehicle unless the child is supervised by a person age 12 or older. The infraction would be included within the Uniform Act Regulating Traffic on Highways.

The provisions would not apply to a private driveway or parking lot or private parking facility of any property used for residential purposes (private facility). The bill would apply to any highway, public property, private property open to the public, or parking lot or facility that is not a private facility.

The bill would require a law enforcement officer to issue a warning citation for any violation until July 1, 2025. In the Uniform Fine Schedule, the bill would establish a fine of \$100 for leaving a child unattended in a motor vehicle. The bill would increase the fine to \$200 for a second violation within 5 years after a prior conviction and to \$500 for a third or subsequent violation within 5 years after two prior convictions. The bill would direct those fines to the Children and Family Trust Account of the Family and Children Investment Fund. [Note: Continuing law directs moneys in the Children and Family Trust Account to child abuse and neglect prevention activities.]

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would specify a person who violates these provisions could also be prosecuted for, convicted of, and punished for any offense in Kansas criminal statutes resulting from leaving a child unattended in a motor vehicle.

The bill would direct the Division of Vehicles (Division), Department of Revenue, to include information on the dangers of leaving children unattended in motor vehicles, on topics including, but not limited to, the effect of solar heat on the temperature of motor vehicle interiors and the penalties for violating these provisions, in specified materials or courses:

- The Kansas Driving Handbook;
- Drivers' training schools;
- Driver training courses conducted by any school district board of education, governing authority of any non-public K-12 school, or the board of trustees of any community college;
- Driver improvement clinics; and
- Materials provided to community driving public awareness or education programs by agencies including, but not limited to, the Division, the Kansas Department of Transportation, the Department for Children and Families, and the Kansas Highway Patrol.

Background

The bill was introduced by the House Committee on Transportation at the request of Representative Essex on behalf of a representative of Kids and Car Safety.

House Committee on Transportation

In the House Committee hearing, **proponent** testimony was provided by representatives of Kids and Car Safety and Safe Kids Kansas and a private citizen. The proponents described the dangers to which children are exposed in an unattended vehicle, the need to educate families about those dangers, and the tragic effects on families of losing a child in this manner.

Written-only proponent testimony was provided by representatives of AAA Kansas; DCCCA; Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association; Kansas Chapter of the American Academy of Pediatrics; Kids and Car Safety; League of Kansas Municipalities; and Safe Kids Kansas, and on behalf of a coalition of AAA Kansas, Families for Safe Streets, Geary County Health Department, Kansas Action for Children, the Kansas Chapter of the American Academy of Pediatrics, Kids and Car Safety, and National Consumers League.

No other testimony was provided.

The House Committee amended the bill to:

- Reduce from 8 years to 6 years the age of a child who could not be left unsupervised in a motor vehicle;
- Add provisions specifying on what property the violation could occur;
- Require issuance of warning citations until July 1, 2025; and
- Increase fines for subsequent violations within 5 years.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates enactment of the bill could have a fiscal impact on Judicial Branch operations, but that effect cannot be estimated until the courts have had an opportunity to operate under the bill's provisions. Enactment could result in the collection of docket fees and fines, which would be credited to the State General Fund and other funds.

The Department for Children and Families indicates revenues to the Children and Families Trust Account would increase, but it cannot estimate how much revenue would be collected.

The Department of Revenue, Kansas Highway Patrol, and Kansas Department of Transportation all state enactment of the bill would have no fiscal effect on the operations of any of the respective agencies.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties and the League of Kansas Municipalities stated they could not estimate a precise fiscal effect. The League of Kansas Municipalities indicated enactment of the bill would increase costs for local law enforcement agencies for the enforcement of the bill's provisions.

Child in vehicle; vehicle; education; fine; Uniform Act Regulating Traffic on Highways