

1 SB97
2 126238-1
3 By Senators Figures, Beasley, Irons, Orr, Smitherman, Bedford,
4 Pittman, Ross, Singleton, Sanders, Coleman, Fielding, Keahey,
5 Dunn, Holtzclaw, Williams, Bussman, Smith, Marsh, Dial, Reed,
6 Brooks, Sanford, Holley, Glover, Waggoner, Beason, Allen,
7 Ward, Taylor, McGill, Scofield and Whatley
8 RFD: Judiciary
9 First Read: 01-MAR-11

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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; 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.

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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.