

2017 -- H 5311

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MISCELLANEOUS RULES

Introduced By: Representatives Serpa, Fellela, Canario, Vella-Wilkinson, and Williams

Date Introduced: February 01, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-22-22.1 of the General Laws in Chapter 31-22 entitled
2 "Miscellaneous Rules" is hereby repealed.

3 ~~**31-22-22.1. Child passenger protection -- Warnings of hazard and risk.**~~

4 ~~(a) All law enforcement officers in this state are authorized to provide a verbal warning to~~
5 ~~any person who shall be deemed to have left a child under the age of seven (7) unattended in a~~
6 ~~motor vehicle. The warning shall apprise the offending person of the dangers of this practice~~
7 ~~including, but not limited to, the risk of kidnapping and/or abduction, and the dangers which may~~
8 ~~result from the accumulation of excessive temperatures within the motor vehicle.~~

9 ~~(b) No fine or sanction shall be imposed for a violation of this section, other than a~~
10 ~~verbal warning, and no record of any kind shall be maintained of the warning.~~

11 SECTION 2. Chapter 31-22 of the General Laws entitled "Miscellaneous Rules" is
12 hereby amended by adding thereto the following section:

13 **31-22-22.2. Child confinement in motor vehicles prohibited.**

14 (a) No person shall intentionally or knowingly leave a child under the age of seven (7)
15 years unattended in a motor vehicle for longer than five (5) minutes. For the purposes of this
16 section, a child shall be deemed unattended if not accompanied by a person who is at least
17 fourteen (14) years of age.

18 (b) No person shall leave any child younger than fourteen (14) years in a motor vehicle
19 for any length of time if the child would be subject to extreme heat or cold or subjected to a lack

1 of adequate ventilation.

2 (c) Any law enforcement officer who has reason to believe that this section is being
3 violated shall have the authority to enter the motor vehicle by any reasonable means necessary to
4 protect the health or well-being of the child. If the circumstances allow, a reasonable effort shall
5 first be made by the law enforcement officer to locate a person responsible for the child who has
6 been left unattended.

7 (d) Any person who knowingly violates subsections (a) or (b) of this section shall be
8 punished by imprisonment for a term not exceeding one year or by a fine of no more than one
9 thousand dollars (\$1,000). Any injury sustained by a child caused by any violation of this section
10 may result in a charge of child abuse under §11-9-5.3 or any other applicable provision of law.

11 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would make it an offense to leave a child under seven (7) years of age
2 unattended in a motor vehicle for longer than five minutes, punishable by imprisonment for a
3 term not exceeding one year or by a fine of no more than one thousand dollars (\$1,000).

4 This act would take effect upon passage.

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