Regular Session, 2011

HOUSE BILL NO. 572

BY REPRESENTATIVE BARROW

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRANSPORTATION: Requires certain child care facilities to install child safety alarms in any vehicle used to transport children

AN ACT

To enact R.S. 32:295.3.1, relative to motor vehicles; to permit day care centers to have a child safety alarm installed in vehicles they use to transport children; to require that an owner or director of a day care center ensure proper maintenance and good working order of child safety alarms; to provide definitions; to require the Department of Children and Family Services to promulgate rules and procedures requiring the installation of child safety alarms in vehicles owned and operated by a day care center and used to transport children; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:295.3.1 is hereby enacted to read as follows:

§295.3.1. Child safety alarms in motor vehicles used to transport children; day care facilities; quality care rating system

A. Day care centers as defined in R.S. 46:1403 may have a child safety alarm installed in any vehicle owned or operated by the day care center that is used to transport children to or from the day care center. The installation of the child safety alarm shall be completed by a person or business that is approved by the manufacturer of the child safety alarm.

B. An owner or director of a day care center who elects to have a child safety alarm installed in a vehicle owned or operated by the day care center shall ensure that the child safety alarm is properly maintained and in good working order each time the vehicle is used for transporting children to or from a day care center.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

C. For the purposes of this Section, the following definitions shall apply:

(1) "Child safety alarm" shall mean an ignition-based alarm system that voice prompts the driver of certain vehicles owned or operated by a day care center to inspect the vehicle for children before exiting the vehicle.

(2) "Vehicle" shall mean a vehicle owned or operated by the day care center, its owner, operator, or employees that is used to transport children to and from the day care center and that has a seating capacity of six or more passengers in addition to the driver.

D. The Department of Children and Family Services shall promulgate rules and procedures, no later than May 31, 2012, relative to the installation of child safety alarms in vehicles owned or operated by a day care center owner, operator, or employee that are used to transport children to or from day care centers.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Barrow HB No. 572

Abstract: Permits certain child care facilities to install child safety alarms in any vehicle used to transport children.

Proposed law permits day care centers, as defined in R.S. 46:1403, to have a child safety alarm installed in any vehicle that is owned or operated by the day care center and used in the transport of children to or from the day care center. Also requires the installation of the child safety alarm be completed by a person or business that is approved by the manufacturer of the child safety alarm.

Proposed law specifies that an owner or director of a day care center who elects to have a child safety alarm installed in a vehicle owned or operated by the day care center must ensure that the child safety alarm is properly maintained and in good working order each time the vehicle is used for transporting children to or from a day care center.

Proposed law provides a definition of the following terms as follows:

(1) "Child safety alarm" shall mean an ignition-based alarm system that voice prompts the driver of certain vehicles owned or operated by a day care center to inspect said vehicle for children before exiting the vehicle.

(2) "Vehicle" shall mean a vehicle owned or operated by the day care center, its owner, operator, or employees that is used to transport children to and from the day care center and that has a seating capacity of six or more passengers in addition to the driver.

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Proposed law requires the Dept. of Children and Family Services to promulgate rules and procedures to require the installation of child safety alarms in vehicles owned or operated by a day care center owner, operator, or employee that are used to transport children to or from day care centers.

(Adds R.S. 32:295.3.1)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Made technical changes.

2. Added a provision which requires certain day care centers that participate at certain levels in the Quality Start Child Care Rating System to have a child safety alarm installed in any vehicle owned or operated by the day care center that is used to transport children to or from said day care center.

3. Added a provision that specifies that the installation of the child safety alarm must be completed by a person or business that is approved by the manufacturer of the child safety alarm.

4. Added a provision that specifies that an owner or director of a day care center who is required to have a child safety alarm installed in a vehicle owned or operated by the day care center must ensure that the child safety alarm is properly maintained and in good working order each time the vehicle is used for transporting children to or from a day care center.

5. Added a provision that defines "vehicle" as meaning any vehicle owned or operated by the day care center, its owner, operator, or employees that is used to transport children to and from the day care center and that has a seating capacity of six or more passengers in addition to the driver.

6. Added a provision that defines "child safety alarm" as meaning an ignition-based alarm system that voice prompts the driver of certain vehicles owned or operated by a day care center to inspect the vehicle for children before exiting the vehicle.

7. Deleted a provision that required the Dept. of Children and Family Services to promulgate rules in its assessment of the quality of care of child care facilities to give consideration to those facilities that meet or exceed the requirements of proposed law.

8. Added a provision that required the Dept. of Children and Family Services to promulgate rules that require the installation of child safety alarms in vehicles owned or operated by a day care center owner, operator, or employee that are used to transport children to or from day care centers before day care centers are allowed to participate at certain levels in the Quality Start Child Care Rating System.

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the engrossed bill.

1. Removed all references to Quality Start Child Care Rating System.

2. Made installation of child safety alarms permissive for day care centers.

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