

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 827

Short Title: Unattended Children in Vehicles. (Public)

Sponsors: Representatives Underhill; Coates, Dickson, Faison, Fisher, Hughes, Justice, Lucas, Luebke, McLawhorn, and Wray.

Referred to: Judiciary III, if favorable, Ways and Means/Broadband Connectivity.

March 30, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE LEAVING AN UNATTENDED CHILD IN A MOTOR VEHICLE
3 UNLAWFUL.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 39 of Chapter 14 of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 14-318.5. Unlawful to leave an unattended child in a motor vehicle.**

8 (a) It is unlawful for any parent, legal guardian, or other person responsible for a child
9 who is eight years of age or younger, to leave that child in a motor vehicle on any public street
10 or in any public vehicular area without the child being supervised in the motor vehicle by a
11 person who is at least 14 years of age if: (i) the conditions within or in the immediate vicinity
12 of the motor vehicle would cause a reasonable person to believe that the conditions may present
13 a risk to the child's health or safety or (ii) the engine of the motor vehicle is running, or the keys
14 to the motor vehicle are anywhere in the passenger compartment of the vehicle, and the child is
15 not in the immediate proximity or line of sight of the parent, legal guardian, or other person
16 responsible for the child. For purposes of this section, the terms "motor vehicle," "street," and
17 "public vehicular area" shall have the same meaning as provided in G.S. 20-4.01.

18 (b) Any person who violates any provision of this section shall be punished as follows:

19 (1) A person shall be issued a warning citation for a first offense.

20 (2) A person shall be guilty of a Class 2 misdemeanor for a second or
21 subsequent offense.

22 (c) Notwithstanding subsection (b) of this section, the court may, in its discretion, in
23 lieu of imposing any other penalty, require any person convicted of a violation of this section to
24 attend and satisfactorily complete a community education program that includes instruction on
25 the dangers of leaving young children unattended in motor vehicles. Persons required to attend
26 and complete a prescribed community education program shall, upon completion, provide to
27 the court satisfactory written evidence of satisfactory completion.

28 (d) Nothing in this section precludes prosecution under any other applicable provision
29 of law."

30 **SECTION 2.** By December 1, 2009, the Administrative Office of the Courts shall
31 compile a list of community education programs throughout the State that satisfy the
32 requirements of G.S. 14-318.5(c), as enacted by this act, and shall make that list available to the
33 chief district judge of each judicial district.

34 **SECTION 3.** This act becomes effective December 1, 2009, and applies to
35 offenses committed on or after that date.

