

House Bill 1035

By: Representatives Harrell of the 54th, Reece of the 21st, Drenner of the 57th, Benfield of the 56th, Post 1, Manning of the 32nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
2 relating to miscellaneous provisions of the uniform rules of the road, so as to provide for a
3 fine for leaving a child unattended in a passenger car; to provide for penalties for violation;
4 to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
8 miscellaneous provisions of the uniform rules of the road, is amended by inserting a new
9 Code Section 40-6-256 to read as follows:

10 "40-6-256.

11 (a) A person responsible for a child eight years of age or younger shall not leave that child
12 in a passenger car, as defined in Code Section 40-1-1, without supervision in the passenger
13 car by a person at least 14 years of age if the conditions present a risk to the child's health
14 or safety in the discretion of the law enforcement officer who issues the citation.

15 (b) Any person who violates subsection (a) of this Code section shall be punished only by
16 a fine of not less than \$200.00 for the first violation and not less than \$500.00 for a second
17 or subsequent violation. Such fine may be reduced to an amount not more than \$5.00 upon
18 a finding by the court of financial hardship on the part of the person charged with a
19 violation of this Code section.

20 (c) Notwithstanding any other provision of law to the contrary, the fines collected for a
21 violation of this Code section shall be allocated by the county as follows:

22 (1)(A) Seventy percent to the health district serving the county where the violation
23 occurred, to be used for the development and implementation of community education
24 programs on the dangers of leaving young children unattended in motor vehicles.

1 (B) A district health department may develop and implement the community education
2 program described in this paragraph or may contract for the development and
3 implementation of that program.

4 (2) Thirty percent to the city where the violation occurred, to be deposited in its general
5 fund, except that, if the violation occurred in an unincorporated area, the amount shall be
6 deposited into the county's general fund.

7 (d) The department shall include information concerning the dangers of leaving young
8 children unattended in motor vehicles, including, but not limited to, the effect of solar heat
9 on the temperature of vehicle interiors and the penalties for noncompliance with subsection
10 (a) of this Code section."

11 **SECTION 2.**

12 All laws and parts of laws in conflict with this Act are repealed.