

By: Representative Weathersby

To: Education; Public Health
and Human Services

HOUSE BILL NO. 275

1 AN ACT TO CREATE THE "CHILD SAFETY ALARM ACT," TO IMPLEMENT
2 SAFEGUARDS FOR CHILDREN LEFT UNATTENDED IN VEHICLES; TO REQUIRE
3 SCHOOL SUPERINTENDENTS, CHARTER SCHOOL GOVERNING BOARDS AND
4 PRIVATE SCHOOL OPERATORS TO PREPARE A TRANSPORTATION SAFETY PLAN
5 FOR THE SAFE TRANSPORT OF STUDENTS IN PREKINDERGARTEN THROUGH
6 GRADE 8; TO PROHIBIT PARENTS, LEGAL GUARDIANS OR OTHER PERSONS
7 RESPONSIBLE FROM LEAVING CHILDREN SIX YEARS OF AGE OR YOUNGER
8 INSIDE A MOTOR VEHICLE WITHOUT THE SUPERVISION OF A PERSON TWELVE
9 (12) YEARS OF AGE OR OLDER; TO PROVIDE FOR A \$100.00 FINE FOR
10 VIOLATIONS; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO INCLUDE
11 INFORMATION CONCERNING THE DANGERS OF LEAVING CHILDREN UNATTENDED
12 IN MOTOR VEHICLES IN CERTAIN WRITTEN AND PUBLISHED MATERIALS; TO
13 AMEND SECTION 43-20-8, MISSISSIPPI CODE OF 1972, TO DEFINE THE
14 TERM "REASONABLE TIME," AS IT RELATES TO THE AMOUNT OF TIME
15 ELAPSED WHEN A CHILD CARE FACILITY SHALL CONTACT THE PARENT OR
16 LEGAL GUARDIAN OF CHILD WHEN THE CHILD IS CONFIRMED ABSENT; TO
17 REQUIRE CHILD CARE FACILITIES TO DEVELOP STANDARD AND IMPLEMENT
18 PRACTICES TO ENSURE THAT NO CHILD IS INADVERTENTLY LEFT ON A
19 TRANSPORT VEHICLE; TO REQUIRE ALL VEHICLES USED BY CHILD CARE
20 FACILITIES AND LARGE FAMILY CHILD CARE HOMES TO BE EQUIPPED WITH
21 OPERATIONAL CHILD SAFETY ALARM SYSTEMS THAT PROMPT THE DRIVER TO
22 INSPECT THE VEHICLE FOR CHILDREN BEFORE EXITING THE VEHICLE; AND
23 FOR RELATED PURPOSES.

24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

25 **SECTION 1.** This act shall be known, and may be cited, as the
26 "Child Safety Alarm Act."

27 **SECTION 2.** (1) The county superintendent of education,
28 superintendent of a school district, a charter school governing



29 authority or the owner or operator of a private school that
30 provides transportation to or from school or school activity shall
31 prepare a transportation safety plan containing procedures for
32 school personnel to follow to ensure the safe transport of
33 students. The plan shall be revised as required, and shall
34 address the following:

35 (a) Determining if students require an escort by a
36 local law enforcement agency;

37 (b) (i) Procedures for all students in
38 prekindergarten, kindergarten and Grades 1-8, inclusive, to follow
39 as they board and exit the appropriated school bus at each
40 student's bus stop;

41 (ii) Nothing in this paragraph requires a county
42 superintendent of education, superintendent of a school district,
43 a charter school governing authority or the owner or operator of a
44 private school that provides transportation to or from school or
45 school activity, to use the services of an onboard school bus
46 monitor, in addition to the driver, to carry out the purposes of
47 this paragraph;

48 (c) Boarding and exiting a school bus at a school or
49 other trip destination;

50 (d) Procedures to ensure that a student is not left
51 unattended on a school bus, school activity or youth bus; and



(e) Procedures and standards for designating an adult chaperone, other than the driver, to accompany students on school activities.

(2) A current copy of a plan prepared pursuant to subsection (1) shall be retained by each school subject to the plan and made available, upon request, to an officer of the Department of Public Safety.

SECTION 3. (1) A parent, legal guardian or other person responsible for a child who is six (6) years of age or younger shall not leave that child inside a motor vehicle without being subject to the supervision of a person who is twelve (12) years of age or older, under either of the following circumstances:

(a) Where there are conditions that present a significant risk to the child's health or safety; or

(b) When the vehicle's engine is running or the vehicle's keys are in the ignition; or

(c) Both (a) and (b).

(2) A violation of subsection (1) is an infraction punishable by a fine of One Hundred Dollars (\$100.00), except that the court may reduce or waive the fine if the defendant establishes to the satisfaction of the court that he or she is economically disadvantaged and the court, instead, refers the defendant to a community education program that includes education on the dangers of leaving young children unattended in motor vehicles, and provides certification of completion of that



77 program. Upon completion of that program, the defendant shall
78 provide that certification to the court. The court may, at its
79 discretion, require any defendant described in this section to
80 attend an education program on the dangers of leaving young
81 children unattended in motor vehicles.

82 (3) Subsection (2) does not apply if an unattended child is
83 injured or medical services are rendered on that child because of
84 a violation of subsection (1), but shall be under the violations
85 imposed under the criminal provisions for neglect or endangerment.
86 Nothing in this subsection precludes prosecution under any other
87 provision of law.

88 **SECTION 4.** The Department of Public Safety shall include
89 information concerning the dangers of leaving children unattended
90 in motor vehicles, including, but not limited to, the effect of
91 solar heat on the temperature of vehicle interiors and the
92 penalties for noncompliance, in the following materials
93 distributed by the department:

94 (a) The Mississippi Driver's Manual;

95 (b) The driver's license examination administered by
96 the Mississippi Highway Safety Patrol - Driver Services Bureau, by
97 including, on a rotating basis, at least one (1) question in one
98 (1) version of the driver's license examination that is
99 periodically administered to applicants;

100 (c) Any driver's education materials certified by the
101 department;



(d) Courses and examinations for traffic violator school or driver safety courses;

(e) Materials provided to secondary and postsecondary schools and educational institutions;

(f) Any materials provided to community education campaigns undertaken by the department and other state agencies, including but not limited to the Mississippi Highway Safety Patrol and the Mississippi Department of Transportation.

SECTION 5. Section 43-20-8, Mississippi Code of 1972, is amended as follows:

43-20-8. (1) The licensing agency shall have powers and duties as set forth below, in addition to other duties prescribed under this chapter:

(a) Promulgate rules and regulations concerning the licensing and regulation of child care facilities as defined in Section 43-20-5;

(b) Have the authority to issue, deny, suspend, revoke, restrict or otherwise take disciplinary action against licensees as provided for in this chapter;

(c) Set and collect fees and penalties as provided for in this chapter; any increase in the fees charged by the licensing agency under this paragraph shall be in accordance with the provisions of Section 41-3-65; and

(d) Have such other powers as may be required to carry out the provisions of this chapter.



(2) Child care facilities shall assure that parents have welcome access to the child care facility at all times and shall comply with the provisions of Chapter 520, Laws of 2006.

(3) Each child care facility shall develop and maintain a current list of contact persons for each child provided care by that facility. An agreement may be made between the child care facility and the child's parent, guardian or contact person at the time of registration to inform the parent, guardian or contact person if the child does not arrive at the facility within a reasonable time. For purposes of this subsection, "reasonable time" shall mean the time within thirty (30) minutes to one (1) hour of the child's confirmed absence after the start of the school or child care facility's regular daily activities.

(4) Child care facilities shall require that, for any current or prospective caregiver, all criminal records, background and sex offender registry checks and current child abuse registry checks are obtained. In order to determine the applicant's suitability for employment, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the FBI for a national criminal history record check.

(5) The licensing agency shall require to be performed a criminal records background check and a child abuse registry check for all operators of a child care facility and any person living in a residence used for child care. The Department of Human



Services shall have the authority to disclose to the State Department of Health any potential applicant whose name is listed on the Child Abuse Central Registry or has a pending administrative review. That information shall remain confidential by all parties. In order to determine the applicant's suitability for employment, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the FBI for a national criminal history record check.

(6) The licensing agency shall have the authority to exclude a particular crime or crimes or a substantiated finding of child abuse and/or neglect as disqualifying individuals or entities for prospective or current employment or licensure.

(7) The licensing agency and its agents, officers, employees, attorneys and representatives shall not be held civilly liable for any findings, recommendations or actions taken under this section.

(8) All fees incurred in compliance with this section shall be borne by the child care facility. The licensing agency is authorized to charge a fee that includes the amount required by the Federal Bureau of Investigation for the national criminal history record check in compliance with the Child Protection Act of 1993, as amended, and any necessary costs incurred by the licensing agency for the handling and administration of the criminal history background checks.



(9) From and after January 1, 2008, the State Board of Health shall develop regulations to ensure that all children enrolled or enrolling in a state licensed child care center receive age-appropriate immunization against invasive pneumococcal disease as recommended by the Advisory Committee on immunization practices of the Centers for Disease Control and Prevention. The State Board of Health shall include, within its regulations, protocols for children under the age of twenty-four (24) months to catch up on missed doses. If the State Board of Health has adopted regulations before January 1, 2008, that would otherwise meet the requirements of this subsection, then this subsection shall stand repealed on January 1, 2008.

(10) Each child care facility shall develop transportation safety standards, which at a minimum shall include the following:

(a) Requirements for child restraints or seatbelts in vehicles used by child care facilities and large family child care homes to transport children;

(b) Requirements for annual inspections of those vehicles;

(c) Limitations on the number of children that may be transported in those vehicles; and

(d) Procedures to ensure that children are not inadvertently left in vehicles when transported by the facility, and that systems are in place to ensure accountability for children transported by such facilities and homes.



202 (11) (a) By January 1, 2022, all vehicles used by child
203 care facilities and large family child care homes to transport
204 children must be equipped with operational child safety alarm
205 systems approved by the department which prompt the driver to
206 inspect the vehicle for children before exiting the vehicle,
207 except as provided in paragraph (b) of this section. The State
208 Department of Human Services, in consultation with the Mississippi
209 Department of Transportation and the Department of Public Safety,
210 shall adopt rules and regulations establishing the minimum safety
211 standards for the child safety alarm systems, and shall maintain a
212 list of approved alarm manufacturers and child safety alarm
213 systems that meet or exceed those adopted standards.

214 (b) Vehicles used by child care facilities and large
215 family child care homes to transport children in the facility's
216 care are not required to be equipped with operational child safety
217 alarm systems if:

218 (i) The vehicle is not used exclusively to
219 transport children;

220 (ii) When the vehicle is used to transport
221 children, the children are accompanied by at least one (1) adult
222 chaperone selected by a school, child care or family child care
223 home official. If an adult chaperone is not a school employee or
224 employee of the facility, the chaperone shall meet the
225 requirements for volunteers established by the policies of the
226 school district or child care facility;



227 (iii) One (1) adult chaperone has a list of every
228 student and adult chaperone, including a school or facility
229 employee, who is on the school bus or child care facility vehicle
230 at the time of departure;

231 (iv) The driver has reviewed all safety and
232 emergency procedures before the initial departure and the driver
233 and adult chaperone have signed a form with the time and date
234 acknowledging that the safety plans and procedures were reviewed;

235 (v) Immediately before departure from any
236 location, the adult chaperone shall account for each pupil on the
237 lists of students, verify the number of students to the driver and
238 sign a form indicating that all students are present and accounted
239 for;

240 (vi) After students have exited a school bus or
241 child care facility vehicle, and before driving away, the driver
242 shall check all areas of the bus or vehicle, including, but not
243 limited to, overhead compartments and bathrooms, to ensure that
244 the bus or vehicle is vacant;

245 (vii) The driver shall sign a form with the time
246 and date verifying that all the required procedures have been
247 followed; and

248 (viii) The information required to be recorded
249 pursuant to subparagraph (iv), (v) and (vii) may be recorded on a
250 single form. These forms shall be retained by the school



district. charter school, private school or child care facility
for a minimum of two (2) years.

(c) A "child safety alarm system" is a device located
at the interior rear of a vehicle that requires the driver to
either manually contact or scan the device before exiting the
vehicle, thereby prompting the driver to inspect the entirety of
the interior of the vehicle before exiting.

SECTION 6. This act shall take effect and be in force from
and after July 1, 2020.

