

By: Representative Weathersby

To: Judiciary B

HOUSE BILL NO. 1244

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 THE 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



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

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

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

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

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

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

69 (2) A violation of subsection (1) is an infraction  
70 punishable by a fine of One Hundred Dollars (\$100.00), except that  
71 the court may reduce or waive the fine if the defendant  
72 establishes to the satisfaction of the court that he or she is  
73 economically disadvantaged and the court, instead, refers the  
74 defendant to a community education program that includes education  
75 on the dangers of leaving young children unattended in motor  
76 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;



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

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

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

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

112 43-20-8. (1) The licensing agency shall have powers and  
113 duties as set forth below, in addition to other duties prescribed  
114 under this chapter:

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

194 (b) Requirements for annual inspections of those  
195 vehicles;

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

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



202       (11) (a) By January 1, 2024, 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



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

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

258 **SECTION 6.** This act shall take effect and be in force from  
259 and after July 1, 2022.

