



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 141	Senate Amendments 1, 2, and 3
<i>Memo published: April 24, 2009</i>	<i>Contact: Anne Sappenfield, Senior Staff Attorney (267-9485)</i>

Senate Bill 141 requires a child care provider, or contractor of a child care provider, that owns or leases a vehicle to install a child safety alarm approved by the Department of Children and Families (DCF) before the vehicle is placed in service. This requirement takes effect three months after the effective date of the bill.

A person who knowingly transports a child to or from a child care provider in a child care vehicle in which an alarm has not been installed, is not properly maintained or is not in good working order, may be fined not more than \$1,000, imprisoned not more than one year, or both. The same penalty applies to any provider who knowingly permits a child to be transported in a vehicle it owns or leases in which an alarm has not been installed, is not properly maintained, or is not in good working order.

Under the bill, DCF must promulgate rules to implement this requirement. The proposed rules must be submitted to the Legislative Council staff no later than the first day of the 6th month beginning after the effective date of this provision (which is the day after publication). DCF must also maintain a list of approved child safety alarms.

DCF may also submit emergency rules to implement this requirement before the effective date of the rules submitted under the previous paragraph.

The bill provides that the requirement to install an alarm in a vehicle takes effect on the first day of the 12th month beginning after publication, except for the requirement for submitting rules to the Legislative Council staff, which takes place the day after publication.

Senate Amendment 1

Senate Amendment 1 deletes the provision that requires DCF to publish a list of approved child safety alarms and, instead, requires DCF to make information about child safety alarms available to persons who are required to install the alarms in a vehicle. DCF may post this information on DCF's Internet site.

Senate Amendment 2

Senate Amendment 2 adds a penalty, which provides that no person may remove, disconnect, tamper with, or otherwise circumvent the operation of a child safety alarm that is installed in a child care vehicle, except for the purpose of testing, repairing, or maintaining the child safety alarm or replacing or disposing of a malfunctioning child safety alarm. No person may shut off a child safety alarm that is installed in a child care vehicle unless the person first inspects the vehicle to ensure that no child is left unattended in the vehicle. Any person who violates this paragraph is guilty of a Class I felony (a fine of up to \$10,000, imprisonment up to three years and six months, or both).

Senate Amendment 3

Senate Amendment 3 provides that the rules promulgated by DCF must include a rule requiring DCF to inspect the child safety alarm of each child care vehicle that is used to transport children to and from the child care provider, to determine whether the child safety alarm is in good working order. This inspection is performed whenever DCF conducts its usual inspection of a child care provider.

Legislative History

The Senate Committee on Children and Families and Workforce Development held a public hearing and executive session on the bill on April 22, 2009. The committee adopted Senate Amendments 1, 2, and 3 by votes of Ayes, 5, Noes, 0; and recommended passage of the bill, as amended, by a vote of Ayes, 5, Noes, 0.

AS:ty:wu