

STRICKEN AS OF 11/8/2012
AMENDED COPY AS OF 5/16/2012

Intro. Res. No. 1489-2012
Introduced by Legislator Stern

Laid on Table 5/8/2012

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW
NO. -2012, A LOCAL LAW TO IMPROVE THE SAFETY OF
VEHICLES USED BY CHILD CARE PROVIDERS THAT
CONTRACT WITH THE COUNTY ("LOOK BEFORE YOU
LEAVE OUR CHILDREN ACT")**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on May 8, 2012, a proposed local law entitled, "**A LOCAL LAW TO IMPROVE THE SAFETY OF VEHICLES USED BY CHILD CARE PROVIDERS THAT CONTRACT WITH THE COUNTY ("LOOK BEFORE YOU LEAVE OUR CHILDREN ACT")**";" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2012, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO IMPROVE THE SAFETY OF VEHICLES USED
BY CHILD CARE PROVIDERS THAT CONTRACT WITH THE
COUNTY ("LOOK BEFORE YOU LEAVE OUR CHILDREN ACT")**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that child care providers are entrusted with protecting the safety and security of thousands of Suffolk County's youngest residents.

This Legislature also finds and determines that many child care providers provide transportation to and from the program, as well as to offsite locations during the day.

This Legislature further finds and determines that children frequently fall asleep in vehicles and are sometimes difficult to see from the front of a large vehicle.

This Legislature finds that vehicles used by child day care providers to transport children should be thoroughly checked each time they are parked to ensure that sleeping children are not left behind.

This Legislature determines that cost effective alarm systems are available which prompt drivers to check the vehicle for sleeping children prior to exiting.

This Legislature also finds that the County should require all child care providers it contracts with to install such alarms on vehicles used to transport children to ensure the highest standards of child safety.

Therefore, the purpose of this law is to require all child care providers that contract with the County of Suffolk to install and maintain a child safety alarm system in all vehicles used to transport children.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

“CHILD” shall mean any individual person under the age of 12.

“CHILD CARE” shall mean care for a child on a regular basis provided away from the child's residence for less than twenty-four hours per day by someone other than the parent, step-parent, guardian, or relative within the third degree of consanguinity of the parents or step-parents of such child. Child care shall not refer to care provided in: a day camp; an after-school program operated for the purpose of religious education, sports, or recreation; or a kindergarten, pre-kindergarten, or nursery school for children three years of age or older, or after-school program for children operated by a public school district or by a private school or academy which is providing elementary or secondary education or both, in accordance with the compulsory education requirements of the State Education Law, provided that the kindergarten, pre-kindergarten, nursery school, or after school program is located on the premises or campus where the elementary or secondary education is provided.

“CHILD CARE PROVIDER” shall mean any individual, association, corporation, partnership, institution or agency which provides child care for seven or more children for more than three hours per day per child.

Section 3. Requirements.

Any child care provider which contracts with the County of Suffolk to provide child care services must install and maintain in working condition a child safety alarm system in all vehicles used to transport children. The alarm system shall prompt the driver to inspect the vehicle for children prior to exiting such vehicle each time it is parked.

Section 4. Approved Child Safety Alarm List.

The Department of Social Services shall maintain a list of child safety alarm manufacturers and alarm systems that are approved to be installed in such vehicles.

Section 5. Contract Language.

All County contracts between a child care provider and the County subject to this law shall contain the following paragraph or substantially equivalent language:

“Pursuant to County law, the child care provider shall install and maintain, in good working condition an alarm system in all vehicles used to transport children which shall prompt the driver to inspect the vehicle for children prior to exiting each time it is parked. The County shall have the authority, under appropriate circumstances, to terminate this contract and to seek other remedies as set forth therein for violations of this law.”

Section 6. Rules and Regulations.

The Department of Social Services is hereby authorized and empowered to promulgate rules and regulations associated with the implementation and enforcement of this law.

Section 7. Applicability.

This law shall apply to all contracts between the County and child day care providers entered into on or after the effective date of this law.

Section 8. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 9. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 10. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: