

2018 Regular Session

SENATE BILL NO. 156

BY SENATOR CARTER

LIABILITY. Provides immunity from liability for person providing gratuitous emergency care to a minor or domestic animal. (8/1/18)

1 AN ACT

2 To enact R.S. 37:1738, relative to liability of persons providing certain gratuitous care; to
3 provide with respect to immunity from liability for a person providing gratuitous emergency
4 care to a minor or a domestic animal; to provide certain definitions, terms, procedures,
5 conditions, and effects; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1738 is hereby enacted to read as follows:

8 **§1738. Immunity from liability; gratuitous emergency care to minor or**
9 **domestic animal**

10 **A. There shall be no liability on the part of a person for property damage**
11 **or trespass to a motor vehicle, if the damage was caused while the person was**
12 **rescuing a minor or an animal in distress as provided in this Section. The**
13 **immunity from liability for property damage to a motor vehicle as provided**
14 **herein does not affect a person's liability for bodily injury suffered by the minor**
15 **or animal while the person was rescuing the minor or animal.**

16 **B. The immunity provided by Paragraph A of this Section shall apply**
17 **only if the person:**

1 **(1) Makes a good-faith attempt, based on the circumstances known to the**
2 **person at the time, to locate the owner of the motor vehicle before entering,**
3 **forcibly or otherwise, the vehicle.**

4 **(2) Contacts the local law enforcement agency, the fire department,**
5 **animal control, or the 911 emergency operator before entering the motor**
6 **vehicle forcibly or otherwise.**

7 **(3) Determines the motor vehicle is locked and has a good-faith belief**
8 **that there are no other reasonable means for the minor or animal to be removed**
9 **from the vehicle.**

10 **(4) Believes that removal of the minor or animal from the motor vehicle**
11 **is necessary because the minor or animal is in imminent danger of suffering**
12 **harm.**

13 **(5) Uses force that was reasonably necessary under the circumstances**
14 **to enter the motor vehicle to rescue the minor or animal.**

15 **(6) Places a notice on the windshield of the motor vehicle providing**
16 **details of the person's contact information the reason the entry was made, the**
17 **location of the minor or animal, and notice that the proper authorities have**
18 **been notified.**

19 **(7) Remains with the minor or animal in a safe location, out of the**
20 **elements of nature but reasonably close to the motor vehicle, until emergency**
21 **responders from law enforcement, fire, or animal control arrive, unless the**
22 **person cannot remain with the minor or animal, in which case the person shall**
23 **notify the local law enforcement agency, the fire department, animal control, or**
24 **the 911 emergency operator, as applicable, before leaving the motor vehicle, and**
25 **shall then take the minor or animal to the closest police station, hospital, or**
26 **shelter, as applicable.**

27 **C. As used in this Section:**

28 **(1) "Minor" means a person who has not reached the age of eighteen.**

29 **(2) "Animal" means any companion animal or animal kept for pleasure,**

- 1 **companionship, or other purposes that are not purely commercial.**
- 2 **(3) "Unattended" means a minor or animal who has been left in a motor**
- 3 **vehicle when the driver or operator of the vehicle is more than ten feet from the**
- 4 **vehicle and unable to continuously observe the minor or animal.**
- 5 **(4) "In distress" means any condition that endangers the health or well-**
- 6 **being of a minor or animal due to heat, cold, lack of adequate ventilation, lack**
- 7 **of water or food, or any other circumstances that could reasonably be expected**
- 8 **to cause suffering, disability, or death.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Angela L. De Jean.

DIGEST

SB 156 Original 2018 Regular Session Carter

Proposed law provides that there shall be no liability on the part of a person for property damage or trespass to a motor vehicle, if the damage was caused while the person was rescuing a minor or an animal in distress as provided in proposed law.

Proposed law provides that the immunity from liability for property damage to a motor vehicle as provided herein does not affect a person's liability for bodily injury suffered by the minor or animal while the person was rescuing the minor or animal.

Proposed law provides that the immunity provided by proposed law shall apply only if the person:

- (1) Makes a good-faith attempt, based on the circumstances known to the person at the time, to locate the owner of the motor vehicle before entering, forcibly or otherwise, the vehicle.
- (2) Contacts the local law enforcement agency, the fire department, animal control, or the 911 emergency operator before entering the motor vehicle forcibly or otherwise.
- (3) Determines the motor vehicle is locked and has a good-faith belief that there are no other reasonable means for the minor or animal to be removed from the vehicle.
- (4) Believes that removal of the minor or animal from the motor vehicle is necessary because the minor or animal is in imminent danger of suffering harm.
- (5) Uses force that was reasonably necessary under the circumstances to enter the motor vehicle to rescue the minor or animal.
- (6) Places a notice on the windshield of the motor vehicle providing details of the person's contact information, the reason the entry was made, the location of the minor or animal, and notice that the proper authorities have been notified; and
- (7) Remains with the minor or animal in a safe location, out of the elements of nature but reasonably close to the motor vehicle, until emergency responders from law enforcement, fire, or animal control arrive, unless the person cannot remain with the minor or animal, in which case the person shall notify the local law enforcement

agency, the fire department, animal control, or the 911 emergency operator, as applicable, before leaving the motor vehicle, and shall then take the minor or animal to the closest police station, hospital, or shelter, as applicable.

Proposed law provides that as used in proposed law these words shall have the following meaning:

- (1) "Minor" means a person who has not reached the age of eighteen.
- (2) "Animal" means any companion animal or animal kept for pleasure, companionship, or other purposes that are not purely commercial.
- (3) "Unattended" means a minor or animal who has been left in a motor vehicle when the driver or operator of the vehicle is more than ten feet from the vehicle and unable to continuously observe the minor or animal.
- (4) "In distress" means any condition that endangers the health or well-being of a minor or animal due to heat, cold, lack of adequate ventilation, lack of water or food, or any other circumstances that could reasonably be expected to cause suffering, disability, or death.

Effective August 1, 2018.

(Adds R.S. 37:1738)