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DIGEST

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SB 156 Reengrossed

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 there shall be no liability on the part of the owner of the vehicle for any conduct that might otherwise be actionable in defending his vehicle.

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 is in imminent danger of suffering harm or the animal is in imminent danger of death.
- (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.
- (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 for the following definitions:

- (1) "Animal" means any cat or dog who is a companion animal or animal kept for pleasure, companionship, or other purposes that are not purely commercial.
- (2) "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.

- (3) "Minor" means a person who has not reached the age of eighteen.
- (4) "Unattended" means a minor 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.
- (5) "Unattended" means an animal who has been left in a motor vehicle when the driver or operator of the vehicle is more than 30 feet from the vehicle and unable to continuously observe the animal.

Effective August 1, 2018.

(Adds R.S. 37:1738 and 1738.1)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

- 1. Creates separate sections of law; one section pertains only to minors and one section pertains only to animals.
- 2. Provides that there shall be no liability on the part of the owner of the vehicle for any conduct that might otherwise be actionable in defending his vehicle.
- 3. Changes definition of "unattended" as it pertains to animals.
- 4. Makes technical corrections.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the reengrossed bill:

- 1. Amends the definition of "unattended" regarding the application of proposed law to animals, specifying that the driver is more than 30 feet from the vehicle.