

## RÉSUMÉ DIGEST

ACT 360 (SB 156)

2018 Regular Session

Carter

New 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 new law.

New 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.

New 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.

New law provides that the immunity provided by new 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.

New 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 18.
- (4) "Unattended" means a minor who has been left in a motor vehicle when the driver or operator of the vehicle is more than 10 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 or cannot be contacted by verbally calling out for the owner of the vehicle.

Effective August 1, 2018.

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