

SENATE BILL NO. 156

BY SENATOR CARTER

1 AN ACT

2 To enact R.S. 37:1738 and 1738.1, relative to liability of persons providing certain
3 gratuitous care; to provide with respect to immunity from liability for a person
4 providing gratuitous emergency care to a minor or a domestic animal; to provide
5 with respect to immunity from liability for the vehicle owner; to provide certain
6 definitions, terms, procedures, conditions, and effects; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:1738 and 1738.1 are hereby enacted to read as follows:

10 **§1738. Immunity from liability; gratuitous emergency care to minor**

11 **A. There shall be no liability on the part of a person for property damage**
12 **or trespass to a motor vehicle, if the damage was caused while the person was**
13 **rescuing a minor in distress from a locked motor vehicle as provided in this**
14 **Section. The immunity from liability for property damage to a motor vehicle as**
15 **provided herein does not affect a person's liability for bodily injury suffered by**
16 **the minor while the person was rescuing the minor. There shall be no liability**
17 **on the part of the owner of the vehicle for any conduct that might otherwise be**
18 **actionable in defending his vehicle.**

19 **B. The immunity provided by Subsection A of this Section shall apply**
20 **only if the person:**

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

24 **(2) Contacts the local law enforcement agency, the fire department, or**
25 **the 911 emergency operator before entering the motor vehicle forcibly or**
26 **otherwise.**

1 (3) Determines the motor vehicle is locked and has a good-faith belief
2 that there are no other reasonable means for the minor to be removed from the
3 vehicle.

4 (4) Believes that removal of the minor from the motor vehicle is
5 necessary because the minor is in imminent danger of suffering harm.

6 (5) Uses force that was reasonably necessary under the circumstances to
7 enter the motor vehicle to rescue the minor.

8 (6) Places a notice on the windshield of the motor vehicle providing
9 details of the person's contact information, the reason the entry was made, the
10 location of the minor, and notice that the proper authorities have been notified.

11 (7) Remains with the minor in a safe location, out of the elements of
12 nature but reasonably close to the motor vehicle, until emergency responders
13 from law enforcement, or fire, arrive, unless the person cannot remain with the
14 minor, in which case the person shall notify the local law enforcement agency,
15 the fire department, or the 911 emergency operator, as applicable, before
16 leaving the motor vehicle, and shall then take the minor to the closest police
17 station, or hospital, as applicable.

18 C. As used in this Section:

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

20 (2) "Unattended" means a minor who has been left in a motor vehicle
21 when the driver or operator of the vehicle is more than ten feet from the vehicle
22 and unable to continuously observe the minor.

23 (3) "In distress" means any condition that endangers the health or well-
24 being of a minor due to heat, cold, lack of adequate ventilation, or any other
25 circumstances that could reasonably be expected to cause suffering, disability,
26 or death.

27 §1738.1. Immunity from liability; gratuitous emergency care to domestic
28 animal

29 A. There shall be no liability on the part of a person for property damage
30 or trespass to a motor vehicle, if the damage was caused while the person was

1 rescuing an animal in distress as provided in this Section. The immunity from
2 liability for property damage to a motor vehicle as provided herein does not
3 affect a person's liability for bodily injury suffered by the animal while the
4 person was rescuing the animal.

5 B. The immunity provided by Subsection A of this Section shall apply
6 only if the person:

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

10 (2) Contacts the local law enforcement agency, the fire department,
11 animal control, or the 911 emergency operator before entering the motor
12 vehicle forcibly or otherwise.

13 (3) Determines the motor vehicle is locked and has a good-faith belief
14 that there are no other reasonable means for the animal to be removed from the
15 vehicle.

16 (4) Believes that removal of the animal from the motor vehicle is
17 necessary because the animal is in imminent danger of death.

18 (5) Uses force that was reasonably necessary under the circumstances to
19 enter the motor vehicle to rescue the animal.

20 (6) Places a notice on the windshield of the motor vehicle providing
21 details of the person's contact information, the reason the entry was made, the
22 location of the animal, and notice that the proper authorities have been notified.

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

30 C. As used in this Section:

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

3 (2) "Unattended" means an animal who has been left in a motor vehicle
4 when the driver or operator of the vehicle is more than thirty feet from the
5 vehicle or cannot be contacted by verbally calling out for the owner of the
6 vehicle.

7 (3) "In distress" means any condition that endangers the health or well-
8 being of an animal due to heat, cold, or lack of adequate ventilation or any other
9 circumstances that could reasonably be expected to cause suffering, disability,
10 or death.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____