AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

A. 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 in distress from a locked motor vehicle as provided in this Section. 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 while the person was rescuing the minor. 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.

B. The immunity provided by Subsection A of this Section 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, 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 to be removed from the vehicle.

(4) Believes that removal of the minor from the motor vehicle is necessary because the minor 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.

(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, and notice that the proper authorities have been notified.

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

C. As used in this Section:

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

(2) "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.

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

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

A. 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 an animal in distress as provided in this Section. 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 animal while the person was rescuing the animal.

B. The immunity provided by Subsection A of this Section 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 animal to be removed from the vehicle.

(4) Believes that removal of the animal from the motor vehicle is necessary because 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 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 animal, and notice that the proper authorities have been notified.

(7) Remains with the 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 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 animal to the closest shelter, as applicable.

C. As used in this Section:
(1) "Animal" means any cat or dog kept for pleasure, companionship, or other purposes that are not purely commercial.

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________