

1 HB524
2 184481-1
3 By Representative England
4 RFD: Judiciary
5 First Read: 18-APR-17

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8 SYNOPSIS: Under existing law, it is a crime to leave a
9 child in a car under certain circumstances.

10 This bill would provide that a person who
11 rescues another person or domestic animal from a
12 vehicle when the person holds a good faith belief
13 that the other person or domestic animal is in
14 imminent danger of suffering bodily harm unless
15 removed from the vehicle is immune from liability
16 for property damage or injury under certain
17 circumstances.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT

22
23 Relating to civil liability; to provide that a
24 person who rescues another person or domestic animal from a
25 vehicle when the person holds a good faith belief that the
26 other person or domestic animal is in imminent danger of
27 suffering bodily harm unless removed from the vehicle is

1 immune from liability for property damage or injury under
2 certain circumstances.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. (a) In this section, the following words
5 shall have the following meanings:

6 (1) DOMESTIC ANIMAL. A dog, cat, or other animal
7 that is domesticated and kept as a household pet. The term
8 does not include livestock as defined in Section 3-5-1, Code
9 of Alabama 1975.

10 (2) VEHICLE. A vehicle, as defined in subdivision
11 (81) of Section 32-1-1.1, Code of Alabama 1975, that is
12 enclosed.

13 (b) A person is immune from liability for property
14 damage or injury that results from his or her forcible entry
15 into a vehicle if all of the following occur:

16 (1) The actor knows another person or domestic
17 animal is present in a vehicle and the actor has a good faith
18 belief that the person or domestic animal is in imminent
19 danger of suffering bodily harm unless the person or domestic
20 animal is removed from the vehicle.

21 (2) The actor determines that the vehicle is locked
22 and that forcible entry is necessary to enable the person or
23 domestic animal to exit or be removed from the vehicle.

24 (3) The actor contacts law enforcement, emergency
25 medical services, or animal control before the actor forcibly
26 enters the vehicle.

1 (4) The actor remains with the person or domestic
2 animal until a law enforcement officer, emergency medical
3 service provider, animal control officer, or other first
4 responder arrives at the scene.

5 (5) The actor uses no more force than he or she
6 reasonably believes necessary to allow the person or domestic
7 animal to exit or be removed from the vehicle.

8 (c) If the actor leaves the scene before the owner
9 or operator of the vehicle returns to the scene, the actor
10 shall place a notice on the windshield of the vehicle that
11 includes all of the following:

12 (1) The actor's name.

13 (2) The actor's telephone number.

14 (3) The reason the actor entered the vehicle.

15 (4) The location, if known, of the person or
16 domestic animal when the actor left the scene.

17 Section 2. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.