

1 HB227
2 179027-2
3 By Representatives Rogers and Moore (M)
4 RFD: Judiciary
5 First Read: 14-FEB-17

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ENROLLED, An Act,

Relating to children and incapacitated persons; to provide civil immunity to a person who rescues a child or incapacitated person from an unattended motor vehicle.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) As used in this section, the following terms shall have the following meanings:

(1) INCAPACITATED PERSON. A person as defined in subdivision (8) of Section 26-2A-20, Code of Alabama 1975.

(2) MOTOR VEHICLE. A motor vehicle as defined in subdivision (32) of Section 32-1-1.1, Code of Alabama 1975.

(b) A person who enters a motor vehicle by force or otherwise, for the purpose of removing a child or an incapacitated person from the vehicle shall be immune from civil liability for damage to the motor vehicle if the person meets all of the following requirements:

(1) Determines the motor vehicle is locked or there is otherwise no reasonable method for the child or incapacitated person to exit the motor vehicle without assistance.

(2) Has a good faith and reasonable belief, based upon the known circumstances, that entry into the motor vehicle is necessary because the child or incapacitated person is in imminent danger of suffering harm.

1 (3) Ensures that law enforcement is notified or 911
2 called before entering the motor vehicle or immediately
3 thereafter.

4 (4) Uses no more force to enter the motor vehicle
5 and remove the child or incapacitated person than is
6 necessary.

7 (5) Remains with the child or incapacitated person
8 in a safe location in reasonable proximity to the motor
9 vehicle until law enforcement or other first responders
10 arrive.

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 04-APR-17.

Jeff Woodard
Clerk

Senate

27-APR-17

Passed