

1 HB286
2 179027-1
3 By Representatives Rogers, Grimsley and Moore (M)
4 RFD: Judiciary
5 First Read: 23-FEB-17

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8 SYNOPSIS: Under existing law, there is no specific
9 provision that provides civil immunity to a person
10 who rescues a child or incapacitated person from an
11 unattended motor vehicle.

12 This bill would provide civil immunity to a
13 person who rescues a child or incapacitated person
14 from an unattended motor vehicle.

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16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to children and incapacitated persons; to
21 provide civil immunity to a person who rescues a child or
22 incapacitated person from an unattended motor vehicle.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

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

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

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

22 (5) Remains with the child or incapacitated person
23 in a safe location in reasonable proximity to the motor
24 vehicle until law enforcement or other first responder
25 arrives.

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