

B-Engrossed
House Bill 2732

Ordered by the Senate June 5
Including House Amendments dated April 26 and Senate Amendments
dated June 5

Sponsored by Representative CLEM; Representatives POST, RESCHKE, Senator MANNING JR

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Provides that person who enters motor vehicle to remove child or domestic animal in imminent danger of suffering harm is not subject to criminal or civil liability if person meets certain requirements.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to a limitation on liability for entry into a motor vehicle; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section, "motor vehicle" has the meaning given that term in ORS 801.360.

(2) A person who enters a motor vehicle, by force or otherwise, to remove a child or domestic animal left unattended in the motor vehicle is not subject to criminal or civil liability if the person:

(a) Before entering the motor vehicle, determines that the motor vehicle is locked or there is no reasonable method for the child or animal to exit the motor vehicle without assistance;

(b) Has a good faith and reasonable belief, based upon the circumstances, that entry into the motor vehicle is necessary because the child or animal is in imminent danger of suffering harm;

(c) Before or as soon as is reasonably practicable after entering the motor vehicle, notifies law enforcement or emergency services;

(d) Uses no more force than is necessary to enter the motor vehicle and remove the child or animal; and

(e) Remains with the child or animal in a safe location, in reasonable proximity to the motor vehicle, until law enforcement, emergency services or the owner or operator of the motor vehicle arrives.

(3) This section does not limit the liability of a person for gross negligence or for reckless, wanton or intentional misconduct.

(4) This section does not limit the liability of a peace officer as defined in ORS 161.015.

SECTION 2. Section 1 of this 2017 Act applies only to entries into motor vehicles occurring on or after the effective date of this 2017 Act.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **SECTION 3. This 2017 Act being necessary for the immediate preservation of the public**
2 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
3 **on its passage.**

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