

House Bill 2732

Sponsored by Representative CLEM

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 **as introduced**.

Provides that person who enters motor vehicle to remove child or 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

1
2 Relating to a limitation on liability for entry into a motor vehicle; and declaring an emergency.

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

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

6 **(2) A person who enters a motor vehicle, by force or otherwise, to remove a child or**
7 **animal left unattended in the motor vehicle is not subject to criminal or civil liability if, be-**
8 **fore entering the motor vehicle, the person:**

9 **(a) Determines that the motor vehicle is locked or there is no reasonable method for the**
10 **child or animal to exit the motor vehicle without assistance;**

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

14 **(c) Notifies law enforcement or emergency services;**

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

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

19 **(3) This section does not limit the liability of a person for gross negligence or for reck-**
20 **less, wanton or intentional misconduct.**

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

22 **SECTION 2. Section 1 of this 2017 Act applies only to entries into motor vehicles occur-**
23 **ring on or after the effective date of this 2017 Act.**

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

27

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.