

AN ACT

To enact sections 959.133 and 2151.88 of the Revised Code to grant a person immunity from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a minor or an animal from the vehicle because the minor or the animal is in imminent danger of suffering harm.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 959.133 and 2151.88 of the Revised Code be enacted to read as follows:

Sec. 959.133. (A) Except as provided in division (C) of this section, a person shall be immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing an animal from the vehicle if the person does all of the following:

(1) Determines the vehicle is locked or there is otherwise no reasonable method for the animal to exit the vehicle.

(2) Has a good faith belief that forcible entry into the vehicle is necessary because the animal is in imminent danger of suffering harm if not immediately removed from the vehicle and, based upon the circumstances known to the person at the time, the belief is a reasonable one.

(3) Has made a good faith effort to contact the local law enforcement agency, the fire department, or a 9-1-1 operator prior to forcibly entering the vehicle. If contact is not possible prior to forcibly entering the vehicle, the person shall make contact as soon as possible after forcibly entering the vehicle.

(4) Makes a good faith effort to place a notice on the vehicle's windshield with the person's contact information, the reason the entry was made, the location of the animal, and the fact that the authorities have been notified.

(5) Remains with the animal in a safe location until law enforcement or emergency responders arrive.

(6) Used not more force to enter the vehicle and remove the animal from the vehicle than was necessary under the circumstances.

(B) Nothing in this section shall affect the person's civil liability if the person attempts to render aid to the animal in addition to what is authorized by this section.

(C) A person shall not be immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing an animal from the vehicle if the person's actions constitute recklessness or willful or wanton misconduct with regard to the forcible entry of the motor vehicle.

(D) As used in this section, "harm" means injury or death.

Sec. 2151.88. (A) Except as provided in division (C) of this section, a person shall be immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for

the purpose of removing a minor from the vehicle if the person does all of the following:

(1) Determines the vehicle is locked or there is otherwise no reasonable method for the minor to exit the vehicle.

(2) Has a good faith belief that forcible entry into the vehicle is necessary because the minor is in imminent danger of suffering harm if not immediately removed from the vehicle and, based upon the circumstances known to the person at the time, the belief is a reasonable one.

(3) Has made a good faith effort to contact the local law enforcement agency, the fire department, or a 9-1-1 operator prior to forcibly entering the vehicle. If contact is not possible prior to forcibly entering the vehicle, the person shall make contact as soon as possible after forcibly entering the vehicle.

(4) Makes a good faith effort to place a notice on the vehicle's windshield with the person's contact information, the reason the entry was made, the location of the minor, and the fact that the authorities have been notified.

(5) Remains with the minor in a safe location until law enforcement or emergency responders arrive.

(6) Used not more force to enter the vehicle and remove the minor from the vehicle than was necessary under the circumstances.

(B) Nothing in this section shall affect the person's civil liability if the person attempts to render aid to the minor in addition to what is authorized by this section.

(C) A person shall not be immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a minor from the vehicle if the person's actions constitute recklessness or willful or wanton misconduct with regard to the forcible entry of the motor vehicle.

(D) As used in this section, "harm" means injury or death.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. S. B. No. 215

131st G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____