

As Introduced

131st General Assembly

Regular Session

2015-2016

S. B. No. 215

Senators Hughes, LaRose

Cosponsors: Senators Uecker, Bacon

A BILL

To enact section 959.133 of the Revised Code to 1
grant a person immunity from civil liability for 2
any damage resulting from the forcible entry of 3
a motor vehicle for the purpose of removing a 4
minor or an animal from the vehicle because the 5
minor or the animal is in imminent danger of 6
suffering harm. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 959.133 of the Revised Code be 8
enacted to read as follows: 9

Sec. 959.133. (A) Except as provided in division (C) of 10
this section, a person shall be immune from civil liability for 11
any damage resulting from the forcible entry of a motor vehicle 12
for the purpose of removing a minor or an animal from the 13
vehicle if the person does all of the following: 14

(1) Determines the vehicle is locked or there is otherwise 15
no reasonable method for the minor or the animal to exit the 16
vehicle; 17

(2) Has a good faith belief that forcible entry into the 18

vehicle is necessary because the minor or the animal is in 19
imminent danger of suffering harm if not immediately removed 20
from the vehicle and, based upon the circumstances known to the 21
person at the time, the belief is a reasonable one; 22

(3) Has contacted the local law enforcement agency, the 23
fire department, or a 9-1-1 operator prior to forcibly entering 24
the vehicle; 25

(4) Places a notice on the vehicle's windshield with the 26
person's contact information, the reason the entry was made, the 27
location of the minor or the animal, and the fact that the 28
authorities have been notified; 29

(5) Remains with the minor or the animal in a safe 30
location, out of the elements but reasonably close to the 31
vehicle, until law enforcement or emergency responders arrive; 32

(6) Used not more force to enter the vehicle and remove 33
the minor or the animal from the vehicle than was necessary 34
under the circumstances. 35

(B) Nothing in this section shall affect the person's 36
civil liability if the person attempts to render aid to the 37
minor or the animal in addition to what is authorized by this 38
section. 39

(C) A person shall not be immune from civil liability for 40
any damage resulting from the forcible entry of a motor vehicle 41
for the purpose of removing a minor or an animal from the 42
vehicle if the person's actions constitute recklessness or 43
willful or wanton misconduct with regard to the forcible entry 44
of the motor vehicle. 45