

AMENDED IN SENATE AUGUST 31, 2015

AMENDED IN SENATE AUGUST 17, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 797

Introduced by Assembly Member Members Steinorth and Santiago
(Principal coauthor: Senator Glazer)

February 26, 2015

An act to add Section 43.100 to the Civil Code, relating to civil ~~liability~~; *liability, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 797, as amended, Steinorth. Immunity from civil liability: ~~entering~~ *damaging a motor vehicle: rescue or provision of unattended child care for minor* or animal.

~~Existing~~

(1) Existing law limits the civil liability of a person who in good faith, and not for compensation, renders emergency medical or nonmedical care at the scene of an emergency, as specified.

This bill would prohibit any civil liability or cause of action against a person for damage to a motor vehicle, if the damage was caused while the person was in good faith ~~taking necessary action to enter the motor vehicle for the purpose of rescuing or providing care to an unattended child a minor who, or animal that, was located inside the motor vehicle and it was reasonable to believe that the health or well-being of the child or animal was endangered due to heat, cold, lack of adequate ventilation, or other circumstances that could reasonably be expected~~

~~to cause suffering, disability, or death to the child or animal. the person had taken specific steps, including, among others, determining the motor vehicle was locked or there was no reasonable method for the minor or animal to exit the motor vehicle without assistance, and to the extent practicable, contacted a law enforcement agency, fire department, or the emergency 911 telephone number before damaging the motor vehicle.~~

(2) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 43.100 is added to the Civil Code, to
2 read:

3 43.100. (a) There shall not be any civil liability on the part
4 of, and no cause of action shall accrue against, a person for damage
5 to a motor vehicle, if the damage was caused while the person was
6 ~~in good faith taking necessary action to enter the motor vehicle~~
7 ~~for the purpose of rescuing or providing care to an unattended~~
8 ~~child a minor who, or animal that, was located inside the motor~~
9 ~~vehicle and it was reasonable to believe that the health or~~
10 ~~well-being of the child or animal was endangered due to heat, cold,~~
11 ~~lack of adequate ventilation, or other circumstances that could~~
12 ~~reasonably be expected to cause suffering, disability, or death to~~
13 ~~the child or animal. the person had done all of the following:~~

14 (1) *Reasonably believed that the health or well-being of the*
15 *minor or animal was endangered due to heat, cold, lack of*
16 *adequate ventilation, or other circumstances that could reasonably*
17 *be expected to cause suffering, disability, or death to the minor or*
18 *animal.*

19 (2) *Determined the motor vehicle was locked or there was no*
20 *reasonable method for the minor or animal to exit the motor vehicle*
21 *without assistance.*

22 (3) *Contacted, to the extent practicable, a law enforcement*
23 *agency, fire department, or the emergency 911 telephone number*
24 *before damaging the motor vehicle.*

1 (4) Took necessary action, in good faith, to enter the motor
2 vehicle for the purpose of rescuing or providing care to the minor
3 or animal.

4 (5) Remained with the minor or animal in a safe location, either
5 inside or outside, but reasonably close to, the motor vehicle, to
6 the extent practicable, until a law enforcement officer, fire
7 department personnel, or other emergency responder arrived.

8 (b) The immunity for civil liability for damage to a motor vehicle
9 provided by this section shall not affect a person's civil liability
10 or immunity from civil liability for rendering aid to a minor or
11 animal in addition to the aid described by this section.

12 SEC. 2. This act is an urgency statute necessary for the
13 immediate preservation of the public peace, health, or safety within
14 the meaning of Article IV of the Constitution and shall go into
15 immediate effect. The facts constituting the necessity are:

16 In order to limit civil liability against a person who rescues or
17 provides care for a minor or animal reasonably at risk of being
18 endangered inside a motor vehicle during the hottest months of
19 the year, it is necessary for this act to take effect immediately.