An Act

ENROLLED HOUSE
BILL NO. 1902

By: Johnson, O'Donnell, Lockhart, Walker, Shelton, Ritze, Cleveland, Nollan and Perryman of the House

and

Loveless, Brooks and Matthews of the Senate

An Act relating to motor vehicles; providing civil immunity for removing child from motor vehicle using forcible entry; listing requirements to comply with in order to receive immunity; construing provision; providing for codification; and declaring an emergency.

SUBJECT: Civil immunity for removing child from motor vehicle

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-1120 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. 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 child from the motor vehicle if the person:

1. Determines the motor vehicle is locked or there is otherwise no reasonable method for the child to exit the motor vehicle;

2. Has a good-faith belief that forcible entry into the motor vehicle is necessary because the child is in imminent danger of suffering harm if not immediately removed from the motor vehicle

and, based upon the circumstances known to the person at the time, the belief is a reasonable one;

3. Has contacted the local law enforcement agency, the fire department or the 911 emergency telephone service prior to forcibly entering the motor vehicle;

4. Places a notice on the motor vehicle windshield with the person's contact information, the reason the entry was made, the location of the child and that the authorities have been notified;

5. Remains with the child in a safe location, out of the elements but reasonably close to the motor vehicle, until law enforcement, fire or other emergency responder arrives; and

6. Used no more force to enter the motor vehicle and remove the child from the motor vehicle than is necessary under the circumstances.

B. Nothing in this act shall affect the person's civil liability if the person attempts to render aid to the child in addition to what is authorized by this act.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 11th day of May, 2015.

Presiding Officer of the House
of Representatives

Passed the Senate the 15th day of April, 2015.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 12th
day of May, 2015, at 4:33 o'clock P M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 18th
day of May, 2015, at 11:40 o'clock A M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 18th
day of May, 2015, at 1:22 o'clock P. M.
By: Chris Benge