

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2516

As Amended by House Committee on Judiciary

Brief*

HB 2516 would create law providing for immunity from civil liability for damage to a motor vehicle for a person who enters the vehicle, by force or otherwise, to remove a vulnerable person or domestic animal, if the person entering:

- Determines the vehicle is locked or there is otherwise no reasonable method for the vulnerable person or domestic animal to exit the vehicle without assistance;
- Has a good faith and reasonable belief, based upon known circumstances, that entry is necessary because the vulnerable person or domestic animal is in imminent danger of suffering harm;
- Ensures law enforcement is notified or calls 911 before or immediately after entering the vehicle;
- Uses no more force to enter the vehicle and remove the vulnerable person or domestic animal than is necessary; and
- Remains with the vulnerable person or domestic animal in a safe location in reasonable proximity to the vehicle until law enforcement or a first responder arrives.

The bill would define “domestic animal” to include a dog, cat, or other animal that is domesticated and may be kept as

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

a household pet. This would not include livestock, as defined elsewhere in statute, or other farm animals.

The bill would define “vulnerable person” to mean an adult whose ability to perform the normal activities of daily living or to provide for such adult’s own care or protection is impaired or a minor.

The bill would define “motor vehicle” by reference to the definition in the statutes governing vehicle registration.

Background

The bill was introduced by the House Committee on Federal and State Affairs at the request of Representative Brim.

In the hearing before the House Committee on Judiciary, representatives of Helping Hands Humane Society, Humane Society Legislative Fund of Kansas, Humane Society of Greater Kansas City, Humane Society of the United States, Kansas Animal Control Association, KidsAndCars.org, Lawrence Humane Society and Midwest Alliance for Animals, and Safe Kids Kansas, and the Kansas Emergency Nurses Association testified in support of the bill. Representative Brim and representatives of Beauties and Beasts, Inc. and Wichita Animal Action League submitted written-only proponent testimony. A representative of the Johnson County Sheriff’s Office provided written-only neutral testimony.

No opponent testimony was provided.

The House Committee amended the bill by adjusting the definition of “vulnerable person.”

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Office of the Attorney General states enactment of the bill would potentially save local and state government funds by reducing tort claims

against local and state employees who, while on the job, enter a locked motor vehicle to save a vulnerable person or domestic animal. The exact reduction of expenditures cannot be estimated.

The Insurance Department, Kansas Association of Counties, and Kansas League of Municipalities do not estimate any fiscal effect relating to enactment of the bill. Any fiscal effect is not reflected in *The FY 2019 Governor's Budget Report*.