

Senate Bill 34

By: Senators Kirk of the 13th, Mullis of the 53rd, Ligon, Jr. of the 3rd, Unterman of the 45th, Rhett of the 33rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to torts, so as to provide immunity from liability under certain
3 circumstances for persons entering a parked motor vehicle for the purpose of removing a
4 child from such motor vehicle; to provide for definitions; to provide for exceptions; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general
9 provisions relative to torts, is amended by adding a new Code section to read as follows:

10 "51-1-55.

11 (a) As used in this Code section, the term:

12 (1) 'Child' means any individual who is less than 15 years of age.

13 (2) 'Motor vehicle' shall have the same meaning as provided for in Code Section 40-1-1.

14 (3) 'Parked motor vehicle' means the standing of a motor vehicle that is occupied by a
15 child and unoccupied by a person who is 15 years of age or older.

16 (4) 'Standing' shall have the same meaning as provided for in Code Section 40-1-1.

17 (b) No person shall be liable for damages or injuries alleged to have been sustained to the
18 person or property of anyone when such damage or injury is caused by the forcible entry
19 into a parked motor vehicle for the purpose of removing a child from such parked motor
20 vehicle, if such person:

21 (1) Has reasonable cause to believe that such motor vehicle is a parked motor vehicle;

22 (2) Determines that all doors of such parked motor vehicle are locked and there is
23 otherwise no reasonable method under the circumstances to nonforcibly gain entry into
24 such parked motor vehicle;

25 (3) Has reasonable cause to believe that forcible entry into such parked motor vehicle is
26 necessary because such child is in imminent danger of suffering harm if not immediately

27 removed from such parked motor vehicle, including but not limited to harm from the
28 temperature exposure inside such parked motor vehicle;

29 (4) Contacts 9-1-1, the local law enforcement agency, or the local fire department prior
30 to or immediately after forcibly entering such parked motor vehicle and reports such
31 parked motor vehicle;

32 (5) Remains with such child in the visual proximity of such parked motor vehicle until
33 the arrival of the local law enforcement agency and such person has been released from
34 the scene by the local law enforcement agency; and

35 (6) Uses no more force than is reasonably necessary to enter such parked motor vehicle
36 and to remove such child.

37 (c) Subsection (b) of this Code section shall not apply to any sex offender who is required
38 to register as provided for in Code Section 42-1-12."

39 **SECTION 2.**

40 All laws and parts of laws in conflict with this Act are repealed.