

Senate Bill 55

By: Senators Fort of the 39th, Henson of the 41st, Orrock of the 36th, Seay of the 34th, Tate of the 38th 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 regarding torts, so as to provide for civil immunity for a person who
3 causes property damage resulting from the forcible entry of a motor vehicle for the purpose
4 of removing a minor from such vehicle due to the belief of imminent danger to the minor;
5 to provide for a definition; to provide for statutory construction; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

11 "51-1-20.3.

12 (a) As used in this Code section, the term 'motor vehicle' has the same meaning as in Code
13 Section 40-1-1.

14 (b) A person whose conduct conforms to the following requirements shall be immune from
15 civil liability for any property damage resulting from the forcible entry of a motor vehicle
16 for the purpose of removing a minor from such vehicle:

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

19 (2) Has a good faith belief that forcible entry into the vehicle is necessary because the
20 minor is in imminent danger of suffering harm if not immediately removed from the
21 vehicle and, based upon the circumstances known to the person at the time, the belief is
22 a reasonable one;

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

25 (4) Places a notice on the vehicle's windshield with his or her contact information, the
26 reason the entry was made, the location of the minor, and that a law enforcement agency,
27 fire department, or the 9-1-1 system has been contacted;

28 (5) Remains with the minor in a safe location, out of the elements but reasonably close
29 to the vehicle, until law enforcement personnel, fire department personnel, or other
30 emergency responders arrive; and

31 (6) Used no more force to enter the vehicle and remove the minor from the vehicle than
32 was necessary under the circumstances.

33 (c) Nothing in this Code section shall affect a person's civil liability if such person
34 attempts to render aid to the minor in addition to what is authorized by this Code section."

35 **SECTION 2.**

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