



HOUSE BILL 896: Forcible Entry Into Car/Child Trapped Inside

2015-2016 General Assembly

Committee:	House Judiciary I	Date:	April 26, 2015
Introduced by:	Reps. Hanes, Tine, McNeill, Reives	Prepared by:	R. Erika Churchill
Analysis of:	First Edition		Committee Counsel

SUMMARY: *House Bill 896 would provide immunity from civil liability to individuals who render aid to minors who are in imminent danger while locked in a motor vehicle.*

CURRENT LAW: G.S. 90-21.14(a) provides that in the rendering of the treatment of first aid or emergency health care treatment individuals in specified situations are not be liable for any of the following:

- Damages for injuries alleged to have been sustained by the person.
- Damages for the death of the person alleged to have occurred by reason of an act or omission.

The immunity above does not apply if it is established that the injuries were, or the death was, caused by gross negligence, wanton conduct or intentional wrongdoing on the part of the person rendering the treatment.

The immunity from liability applies to all of the following:

- Any person, including:
 - A volunteer medical or health care provider at a facility of a local health department as defined in G.S. 130A-2 or at a nonprofit community health center.
 - A volunteer member of a rescue squad, who receives no compensation for his services as an emergency medical care provider, who renders first aid or emergency health care treatment to a person who is unconscious, ill or injured, when (i) the reasonably apparent circumstances require prompt decisions and actions in medical or other health care, and (ii) the necessity of immediate health care treatment is so reasonably apparent that any delay in the rendering of the treatment would seriously worsen the physical condition or endanger the life of the person.
 - The use of automated external defibrillator (AED).

BILL ANALYSIS: House Bill 896 would establish additional immunity from civil liability when forcibly entering a motor vehicle to remove a minor from imminent danger.

Civil immunity arises only if all of the following apply to the situation:

1. The person determines the vehicle is locked, or there is no other reasonable method for the minor to exit the vehicle.
2. The person has a good faith belief that forcible entry into the vehicle is necessary because the minor is in imminent danger of suffering harm if not immediately removed from the vehicle. Based upon the circumstances known to the person at the time, the belief must be a reasonable one.
3. Before forcibly entering the vehicle, the person has contacted one of the following:

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House Bill 896

Page 2

- i. Local law enforcement agency.
 - ii. Fire department.
 - iii. 911.
4. The person puts a notice on the vehicle's windshield with all of the following information:
 - i. The person's contact information.
 - ii. The reason the entry was made.
 - iii. The location of the minor.
 - iv. That the authorities have been notified.
5. The person remains with the minor in a safe location, out of the elements but reasonably close to the vehicle until law enforcement, fire, or other emergency responder arrives.
6. The person used no more force to enter the vehicle and remove the child from the vehicle than is necessary under the circumstances.

EFFECTIVE DATE: October 1, 2015 and applies to causes of action arising on or after that date.