

Enrolled
House Bill 2732

Sponsored by Representative CLEM; Representatives POST, RESCHKE, Senator MANNING JR

CHAPTER

AN ACT

Relating to a limitation on liability for entry into a motor vehicle; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section, “motor vehicle” has the meaning given that term in ORS 801.360.

(2) A person who enters a motor vehicle, by force or otherwise, to remove a child or domestic animal left unattended in the motor vehicle is not subject to criminal or civil liability if the person:

(a) Before entering the motor vehicle, determines that the motor vehicle is locked or there is no reasonable method for the child or animal to exit the motor vehicle without assistance;

(b) Has a good faith and reasonable belief, based upon the circumstances, that entry into the motor vehicle is necessary because the child or animal is in imminent danger of suffering harm;

(c) Before or as soon as is reasonably practicable after entering the motor vehicle, notifies law enforcement or emergency services;

(d) Uses no more force than is necessary to enter the motor vehicle and remove the child or animal; and

(e) Remains with the child or animal in a safe location, in reasonable proximity to the motor vehicle, until law enforcement, emergency services or the owner or operator of the motor vehicle arrives.

(3) This section does not limit the liability of a person for gross negligence or for reckless, wanton or intentional misconduct.

(4) This section does not limit the liability of a peace officer as defined in ORS 161.015.

SECTION 2. Section 1 of this 2017 Act applies only to entries into motor vehicles occurring on or after the effective date of this 2017 Act.

SECTION 3. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by House May 4, 2017

Repassed by House June 12, 2017

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 7, 2017

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

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Dennis Richardson, Secretary of State