

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1649

98TH GENERAL ASSEMBLY

4153H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to immunity from civil liability, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be
2 known as section 537.039, to read as follows:

**537.039. 1. Any person whose conduct conforms to the requirements of subsection
2 2 of this section shall be immune from civil liability for any damages resulting from the
3 forcible entry of a motor vehicle for the purpose of removing a minor from the vehicle.**

**4 2. The provisions of subsection 1 of this section apply if the person has a good faith
5 belief that forcible entry into the vehicle is necessary because the minor is in imminent
6 danger of suffering harm if not immediately removed from the vehicle and, based upon the
7 circumstances known to the person at the time, the belief is a reasonable one.**

**8 3. In determining whether the standard set forth in subsection 2 of this section has
9 been met, the factfinder may consider the totality of the circumstances including, but not
10 limited to, whether the person:**

**11 (1) Determined the vehicle was locked or there was otherwise no reasonable method
12 for the minor to exit the vehicle;**

**13 (2) Attempted to contact either the local law enforcement agency, the fire
14 department, or a 911 operator prior to forcibly entering the vehicle;**

**15 (3) Placed a notice on the vehicle's windshield with the person's contact
16 information, the reason the entry was made, the location of the minor, and the fact that the
17 authorities have been notified;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **(4) Remained with the minor in a safe location, out of the elements but reasonably**
19 **close to the vehicle, until law enforcement, fire, or another emergency responder arrived;**
20 **and**

21 **(5) Used no more force to enter the vehicle and remove the minor from the vehicle**
22 **than was necessary under the circumstances.**

23 **4. Nothing in this section shall affect the person's civil liability if the person**
24 **attempts to render aid to the minor in addition to what is authorized by this section.**

 Section B. Because immediate action is necessary to encourage individuals to assist
2 children who are trapped in motor vehicles, the enactment of section A of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace, and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution, and the enactment
5 of section A of this act shall be in full force and effect upon its passage and approval.

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