

HOUSE BILL No. 2647

By Committee on Corrections and Juvenile Justice

2-9

1 AN ACT concerning civil actions; relating to immunity from liability;
2 unattended persons and animals.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) As used in this section:

6 (1) "Domestic animal" means a dog, cat or other animal that is
7 domesticated and may be kept as a household pet. "Domestic animal" does
8 not include livestock or other farm animals.

9 (2) "Motor vehicle" means the same as specified in K.S.A. 8-126, and
10 amendments thereto.

11 (3) "Vulnerable person" means a minor or an adult whose ability to
12 perform the normal activities of daily living or to provide for such adult's
13 own care or protection is impaired due to a mental, emotional, sensory,
14 long-term physical, or developmental disability or dysfunction, brain
15 damage, or the infirmities of aging.

16 (b) A person who enters a motor vehicle, by force or otherwise, for
17 the purpose of removing a vulnerable person or domestic animal is
18 immune from civil liability for damage to the motor vehicle if such person:

19 (1) Determines the motor vehicle is locked or there is otherwise no
20 reasonable method for the vulnerable person or domestic animal to exit the
21 motor vehicle without assistance;

22 (2) has a good faith and reasonable belief, based upon known
23 circumstances, that entry into the motor vehicle is necessary, because the
24 vulnerable person or domestic animal is in imminent danger of suffering
25 harm;

26 (3) ensures that law enforcement is notified or calls 911 before
27 entering the motor vehicle or immediately thereafter;

28 (4) uses no more force to enter the motor vehicle and remove the
29 vulnerable person or domestic animal than is necessary; and

30 (5) remains with the vulnerable person or domestic animal in a safe
31 location, in reasonable proximity to the motor vehicle, until law
32 enforcement or a first responder arrives.

33 Sec. 2. This act shall take effect and be in force from and after its
34 publication in the statute book.