

January 26, 2018

The Honorable Rick Wilborn, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 541-E  
Topeka, Kansas 66612

Dear Senator Wilborn:

**SUBJECT:** Fiscal Note for SB 318 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 318 is respectfully submitted to your committee.

SB 318 would grant immunity from civil liability for damage caused to a motor vehicle by a person if said person enters the vehicle, by force or otherwise, for the purpose of removing a vulnerable person or domestic animal from the motor vehicle. Immunity would be granted if the person determines the motor vehicle is locked and there is no other way to enter the vehicle and has good faith and reasonable belief that the vulnerable person or domestic animal is in imminent danger of suffering harm. The person would also be required to notify local law enforcement before entering the vehicle, use no more force to enter the vehicle than is necessary and remain in a reasonable proximity to the vehicle until law enforcement arrives.

The Office of the Attorney General states that enactment of SB 318 would potentially save local and state government funds as those funds apply to local and state employees who, while on the job, enter a locked motor vehicle to save a vulnerable person or domestic animal. Granting immunity for claims of damage could reduce tort claims against state and local governments. Reduced tort claims could reduce expenditures required to defend against those claims. While the Office of the Attorney General notes that enactment of the bill would likely reduce expenditures, the exact reduction of expenditures cannot be estimated.

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The Insurance Department, Kansas Association of Counties and the Kansas League of Municipalities do not estimate any fiscal effects relating to enactment of the bill. Any fiscal effect associated with SB 318 is not reflected in *The FY 2019 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,  
Director of the Budget

cc: Glenda Haverkamp, Insurance  
Chardae Caine, League of Municipalities  
Melissa Wangemann, Association of Counties  
Willie Prescott, Office of the Attorney General