

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1902

By: Johnson, O'Donnell and
Lockhart of the House

and

Loveless of the Senate

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8 An Act relating to motor vehicles; providing civil
immunity for removing child from motor vehicle using
9 forcible entry; listing requirements to comply with
in order to receive immunity; construing provision;
10 providing for codification; and providing an
effective date.

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13 AUTHOR: Add the following House Coauthors: Walker, Shelton,
14 Matthews, Ritze, Cleveland, and Nollan.

15 AUTHOR: Add the following Senate Coauthor: Brooks

16 AMENDMENT NO. 1. Page 2, line 18, delete Section 2 and insert the
following:

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18 "SECTION 2. It being immediately necessary for the
preservation of the public peace, health and safety, an emergency is
19 hereby declared to exist, by reason whereof this act shall take
effect and be in full force from and after its passage and
approval."

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21 and amend the title to conform.

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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 11-1120 of Title 47, unless
15 there is created a duplication in numbering, reads as follows:

16 A. A person shall be immune from civil liability for any damage
17 resulting from the forcible entry of a motor vehicle for the purpose
18 of removing a child from the motor vehicle if the person:

19 1. Determines the motor vehicle is locked or there is otherwise
20 no reasonable method for the child to exit the motor vehicle;

21 2. Has a good-faith belief that forcible entry into the motor
22 vehicle is necessary because the child is in imminent danger of
23 suffering harm if not immediately removed from the motor vehicle

1 and, based upon the circumstances known to the person at the time,
2 the belief is a reasonable one;

3 3. Has contacted the local law enforcement agency, the fire
4 department or the 911 emergency telephone service prior to forcibly
5 entering the motor vehicle;

6 4. Places a notice on the motor vehicle windshield with the
7 person's contact information, the reason the entry was made, the
8 location of the child and that the authorities have been notified;

9 5. Remains with the child in a safe location, out of the
10 elements but reasonably close to the motor vehicle, until law
11 enforcement, fire or other emergency responder arrives; and

12 6. Used no more force to enter the motor vehicle and remove the
13 child from the motor vehicle than is necessary under the
14 circumstances.

15 B. Nothing in this act shall affect the person's civil
16 liability if the person attempts to render aid to the child in
17 addition to what is authorized by this act.

18 SECTION 2. This act shall become effective November 1, 2015.
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1 Passed the House of Representatives the 11th day of February,
2015.

4 _____
Presiding Officer of the House
of Representatives

6 Passed the Senate the ___ day of _____, 2015.

8 _____
Presiding Officer of the Senate