

1 **SENATE FLOOR VERSION**

2 March 24, 2015

3 ENGROSSED HOUSE  
4 BILL NO. 1902

5 By: Johnson, O'Donnell,  
6 Lockhart, Walker, Shelton,  
7 Matthews, Ritze, Cleveland  
8 and Nollan of the House

9 and

10 Loveless and Brooks of the  
11 Senate

12 An Act relating to motor vehicles; providing civil  
13 immunity for removing child from motor vehicle using  
14 forcible entry; listing requirements to comply with  
15 in order to receive immunity; construing provision;  
16 providing for codification; and providing an  
17 effective date.

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

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

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

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

1           2. Has a good-faith belief that forcible entry into the motor  
2 vehicle is necessary because the child is in imminent danger of  
3 suffering harm if not immediately removed from the motor vehicle  
4 and, based upon the circumstances known to the person at the time,  
5 the belief is a reasonable one;

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

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

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

15           6. Used no more force to enter the motor vehicle and remove the  
16 child from the motor vehicle than is necessary under the  
17 circumstances.

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

21           SECTION 2. This act shall become effective November 1, 2015.

22           COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
23           March 24, 2015 - DO PASS  
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