HOUSE BILL 537

By Hawk

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 34, Part 2, relative to immunity for the forcible entry into a motor vehicle under certain circumstances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-34-209, is amended by deleting the section in its entirety and substituting instead the following:

(a) A person whose conduct conforms to the requirements of subsection (b) shall be immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a minor or an animal from the vehicle.

(b) Subsection (a) applies if the person:

(1) Determines the vehicle is locked or there is otherwise no reasonable method for the minor or animal to exit the vehicle;

(2) Has a good faith belief that forcible entry into the vehicle is necessary because the minor or animal is in imminent danger of suffering harm if not immediately removed from the vehicle and, based upon the circumstances known to the person at the time, the belief is a reasonable one;

(3) Has contacted either the local law enforcement agency, the fire department, or a 911 operator prior to forcibly entering the vehicle;

(4) Places a notice on the vehicle's windshield with the person's contact information, the reason the entry was made, the location of the minor or animal, and the fact that the authorities have been notified;

(5) Remains with the minor or animal in a safe location, out of the elements but reasonably close to the vehicle, until law enforcement, fire, or another emergency responder arrives; and

(6) Used no more force to enter the vehicle and remove the child or animal from the vehicle than was necessary under the circumstances.

(c) Nothing in this section shall affect the person's civil liability if the person attempts to render aid to the minor or animal in addition to what is authorized by this section.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.