

SECOND REGULAR SESSION

HOUSE BILL NO. 1680

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SOLON.

4488H.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to immunity from civil liability.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.038, to read as follows:

537.038. 1. A person shall be immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a child from the a 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;

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **(6) Used no more force to enter the motor vehicle and remove the child from the**
19 **motor vehicle than is necessary under the circumstances.**

20 **2. Nothing in this section shall affect the person's civil liability if the person**
21 **attempts to render aid to the child in addition to what is authorized by this section.**

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