COMMITTEE REPORT

February 4, 2015

**H. 3145**

Introduced by Reps. Sandifer, Lucas, Thayer, Yow, Long, G.R. Smith, Hixon, Henderson, G.M. Smith, Sottile, Forrester, Felder, Atwater, Toole, Huggins, Pope and Simrill

S. Printed 2/4/15--H.

Read the first time January 13, 2015.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 3145) to amend the Code of Laws of South Carolina, 1976, by adding Section 15‑3‑700 so as to provide circumstances in which a person is immune from civil, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Article 5, Chapter 3, Title 15 of the 1976 Code is amended by adding:

“Section 15‑3‑700. (A) A person is immune from civil liability for damage resulting from his forcible entry into a motor vehicle for the purpose of removing a minor or vulnerable adult from the vehicle if the person:

(1) determines that the vehicle is locked or that there is no reasonable alternate method for the minor or vulnerable adult to exit the vehicle;

(2) has a good faith belief that forcible entry into the vehicle is necessary because the minor or vulnerable adult 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 reasonable;

(3) uses no more force to enter the vehicle and remove the child or vulnerable adult from the vehicle than is necessary under the circumstances;

(4) contacts a local or state law enforcement agency or emergency medical services provider regarding the forcible entry into the motor vehicle to remove a minor or vulnerable adult; and

(5) remains with the minor or vulnerable adult in a location that is safe and out of the elements but reasonably close to the vehicle until law enforcement, fire, or another emergency responder arrives.

(B) The responding local or state law enforcement agency or emergency medical services provider, as soon as practicable, must place a notice on the vehicle stating the current location of the minor or vulnerable adult.

(C) Nothing in this section affects civil liability of a person who attempts to render aid to the minor or vulnerable adult in a manner that is beyond the scope of actions authorized by this section.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

WILLIAM E. SANDIFER III for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15‑3‑700 SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A PERSON IS IMMUNE FROM CIVIL LIABILITY FOR DAMAGE RESULTING FROM HIS FORCIBLE ENTRY INTO A MOTOR VEHICLE TO REMOVE A CHILD WHO HE REASONABLY BELIEVES IS IN IMMINENT DANGER OF SUFFERING HARM IF NOT REMOVED, AMONG OTHER THINGS, AND TO PROVIDE THAT THIS IMMUNITY DOES NOT AFFECT CERTAIN OTHER CIVIL LIABILITY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 5, Chapter 3, Title 15 of the 1976 Code is amended by adding:

“Section 15‑3‑700. (A) A person is immune from civil liability for damage resulting from his forcible entry into a motor vehicle for the purpose of removing a minor from the vehicle if the person:

(1) determines that the vehicle is locked or that there is no reasonable alternate method for the minor to exit the vehicle;

(2) has a good faith belief that forcible entry into the vehicle is necessary because the minor 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 reasonable;

(3) uses no more force to enter the vehicle and remove the child from the vehicle than is necessary under the circumstances;

(4) has contacted either the local law enforcement agency, the fire department, or the 911 operator before forcibly entering the vehicle;

(5) places a notice on the windshield of the vehicle that includes:

(a) his contact information;

(b) his reason for making the entry;

(c) the location of the minor after being removed from the vehicle; and

(d) notice that the authorities were notified; and

(6) remains with the minor in a location that is safe and out of the elements but reasonably close to the vehicle until law enforcement, fire, or another emergency responder arrives.

(B) Nothing in this section affects civil liability of a person who attempts to render aid to the minor in a manner that is beyond the scope of actions authorized by this section.”

SECTION 2. This act takes effect upon approval by the Governor.

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