

HB 2494 (now) civil liability; minors; vehicles *Samaritan Hot Car Law*

Background

There is no exact accounting of how many children in Arizona are left each year to fend for themselves year in a hot car. But we are all familiar with cases where the worst happens and a child dies. Similarly, we don't know how many animals find themselves in that same predicament but every year scores of animals are locked in cars sweltering in the Arizona sun. Many die.

*Sadly, this past October, a 5 month old baby died after being left in a car in Peoria, AZ. This was the 35th child nationally to die of vehicular heat stroke in 2016. While not all incidents are reported, we do know that AZ ranks 3rd in the nation with 31 reported heat stroke related fatalities from 1998 to 2016.**

Just last May in Phoenix, a woman left her dog in a car with windows down, air running and the dog died after several hours. We see similar stories like this all too often in the media in Arizona.

Providing civil protection to a good Samaritan that intervenes won't solve this enormous problem, but can help. The legislative process for this proposed law -- the discussion that will ensue -- is an opportunity to also remind drivers to be more careful about leaving behind children and pets. And if just one child is saved by a good Samaritan emboldened by this law, then it will have been worth it.

Governor Ducey said it best in his recent state of the state speech:

"All it takes is a good Samaritan to save a life. To be on the lookout, see movement, take action, and stop another death. The last thing we'd want is any Arizonan worried about breaking into that car to save a life. Send me a bill protecting the good Samaritans who save the lives of children and pets — and I'll sign it."

Provisions

A person who uses reasonable force to remove a child or domestic animal from a locked motor vehicle is not liable for damages in a civil action if they comply with the following conditions:

1. The rescuer has a good faith belief that the confined child or pet is in imminent danger of suffering physical injury or death unless they are removed from the vehicle
2. The rescuer determines the car is locked or there is no reasonable manner in which the person can remove the child or pet.
3. Before entering the vehicle, the rescuer notifies the proper authorities (defined).
4. The rescuer does not use more force than is necessary under the circumstances to enter the vehicle.
5. The rescuer remains with the child or pet until the authorities arrive.



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* <http://noheatstroke.org/state.htm>