

As Amended by House Committee

Session of 2018

HOUSE BILL No. 2516

By Committee on Federal and State Affairs

1-22

1 AN ACT concerning civil actions; relating to immunity from liability;  
2 unattended persons and animals.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) As used in this section:

6 (1) "Domestic animal" means a dog, cat or other animal that is  
7 domesticated and may be kept as a household pet. "Domestic animal" does  
8 not include livestock, as defined in K.S.A. 47-1001, and amendments  
9 thereto, or other farm animals.

10 (2) "Motor vehicle" means the same as specified in K.S.A. 8-126, and  
11 amendments thereto.

12 (3) "Vulnerable person" means ~~a minor or an adult whose ability to~~  
13 ~~perform the normal activities of daily living or to provide for such adult's~~  
14 ~~own care or protection is impaired due to a mental, emotional, sensory,~~  
15 ~~long-term physical, or developmental disability or dysfunction, brain~~  
16 ~~damage, or the infirmities of aging or a minor.~~

17 (b) A person who enters a motor vehicle, by force or otherwise, for  
18 the purpose of removing a vulnerable person or domestic animal is  
19 immune from civil liability for damage to the motor vehicle if such person:

20 (1) Determines the motor vehicle is locked or there is otherwise no  
21 reasonable method for the vulnerable person or domestic animal to exit the  
22 motor vehicle without assistance;

23 (2) has a good faith and reasonable belief, based upon known  
24 circumstances, that entry into the motor vehicle is necessary because the  
25 vulnerable person or domestic animal is in imminent danger of suffering  
26 harm;

27 (3) ensures that law enforcement is notified or calls 911 before  
28 entering the motor vehicle or immediately thereafter;

29 (4) uses no more force to enter the motor vehicle and remove the  
30 vulnerable person or domestic animal than is necessary; and

31 (5) remains with the vulnerable person or domestic animal in a safe  
32 location, in reasonable proximity to the motor vehicle, until law  
33 enforcement or a first responder arrives.

34 Sec. 2. This act shall take effect and be in force from and after its  
35 publication in the statute book.