



Ohio Legislative Service Commission

Final Analysis

Jeff Hobday

Sub. S.B. 215

131st General Assembly
(As Passed by the General Assembly)

Sens. Hughes and LaRose, Uecker, Bacon, Beagle, Burke, Coley, Gardner, Hite, Hottinger, Jones, Jordan, Lehner, Manning, Obhof, Patton, Sawyer, Schiavoni, Tavares, Thomas, Yuko

Reps. Celebrezze, Anielski, Antani, Antonio, Boyd, Brown, Burkley, Butler, Conditt, Craig, Dever, Dovilla, Green, G. Johnson, LaTourette, Manning, M. O'Brien, Patterson, Phillips, Rezabek, Roegner, Rogers, Ruhl, Schaffer, Sheehy, K. Smith, Strahorn, Sweeney

Effective date: August 31, 2016

ACT SUMMARY

- Provides immunity from civil liability for any damage resulting from the forcible entry of a motor vehicle to remove a minor or an animal if the person has a good faith belief that forcible entry is necessary because the minor or animal is in imminent danger of injury or death and follows specified procedures.
- Specifies that a person is not immune from civil liability if the person's actions constitute recklessness or willful or wanton misconduct with regard to the forcible entry of the motor vehicle.

CONTENT AND OPERATION

Immunity from civil liability

The act provides immunity from civil liability for any damage resulting from the forcible entry of a motor vehicle to remove a minor or an animal if the person does all of the following:¹

¹ R.C. 959.133(A) and (D) and 2151.88(A) and (D).

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

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

(3) Makes a good faith effort to contact the local law enforcement agency, the fire department, or a 9-1-1 operator before forcibly entering the vehicle and, if contact is not possible before forcibly entering the vehicle, contacts law enforcement or an emergency responder as soon as possible after forcibly entering the vehicle.

(4) Makes a good faith effort to place 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 the animal, and the fact that the authorities have been notified.

(5) Remains with the minor or the animal in a safe location until law enforcement or emergency responders arrive.

(6) Uses no more force to enter the vehicle and remove the minor or the animal than is necessary under the circumstances.

Nothing in the act affects the person's civil liability if the person attempts to render aid to the minor or the animal beyond what is authorized by the act.²

Persons not immune

The act specifies that a person is not immune from civil liability for any damage resulting from the forcible entry of a motor vehicle to remove a minor or an animal if the person's actions constitute recklessness or willful or wanton misconduct with regard to the forcible entry of the vehicle.³

² R.C. 959.133(B) and 2151.88(B).

³ R.C. 959.133(C) and 2151.88(C).



HISTORY

ACTION	DATE
Introduced	09-23-15
Reported, S. Civil Justice	01-28-16
Passed Senate (32-0)	02-10-16
Reported, H. Judiciary	05-04-16
Passed House (95-0)	05-18-16

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