

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 326

BY SENATORS WELD, TAKUBO, CLINE, AND TRUMP

[Introduced January 19, 2018; Referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §55-19-1, relating to providing protection from civil liability for certain
 3 individuals for damage to an owner’s motor vehicle when removing a domesticated animal
 4 from the locked and/or unattended motor vehicle under certain circumstances.

Be it enacted by the Legislature of West Virginia:

ARTICLE 19. GOOD SAMARITAN PROTECTION WHEN RESCUING PET.

§55-19-1. Protection from civil liability when removing domesticated animal from unattended motor vehicle.

1 (a) A person who uses reasonable force to enter a locked and/or unattended motor vehicle
 2 to remove a domesticated animal from a motor vehicle is not liable for damages in a civil action if
 3 all of the following conditions have been met:

4 (1) The person has a good faith belief that the confined domesticated animal is in imminent
 5 danger of suffering physical injury or death unless the domesticated animal is removed from the
 6 motor vehicle;

7 (2) The person determines that the motor vehicle is locked or there is no reasonable
 8 manner in which the person can remove the domesticated animal from the vehicle;

9 (3) Before entering the motor vehicle, the person notifies one of the individuals identified
 10 in subsection (b) of this section of the confined domesticated animal;

11 (4) The person does not use more force than is necessary under the circumstances to
 12 enter the motor vehicle and remove the domesticated animal from the vehicle;

13 (5) The person remains with the domesticated animal in a safe location, but within the
 14 proximity of the motor vehicle until emergency responders arrive; and

15 (6) The person immediately turns the domesticated animal over to an individual identified
 16 in subsection (b) of this section.

17 (b) The following individuals are not liable to the owner of a motor vehicle in a civil action
 18 for any damages to the owner's motor vehicle, if when acting in the course of their employment

19 they take all steps that are reasonably necessary to remove a domesticated animal from a locked
20 and/or unattended motor vehicle if the animal's safety, health or well-being appears to be in
21 immediate danger from heat, cold or lack of adequate ventilation and the conditions could
22 reasonably be expected to cause extreme suffering or death:

23 (1) Law-enforcement officer;

24 (2) Humane agent;

25 (3) Animal control officer;

26 (4) Firefighter;

27 (5) Emergency responder;

28 (6) Licensed security guard; or

29 (7) Veterinarian or veterinary assistant.

30 (c) Any individual acting pursuant to subsection (b) of this section who removes and takes
31 custody of a domesticated animal pursuant to subsection (a) of this section must leave written
32 notice bearing his or her name, title, telephone number and address of the location where the
33 domesticated animal may be claimed.

NOTE: The purpose of this bill is to provide protection from civil liability for certain individuals for damages to an owner's motor vehicle, when removing a domesticated animal from the locked and/or unattended motor vehicle, under certain circumstances.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.