WEST virginia legislature

2021 regular session

Introduced

Senate Bill 317

By Senators Weld, Phillips Baldwin, and Ihlenfeld

[Introduced February 17, 2021; referred  
to the Committee on the Judiciary]

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

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

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

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

(3) Before entering the motor vehicle, the person notifies one of the individuals identified in §55-19-1(b) of this code of the confined domesticated animal;

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

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

(6) The person immediately turns the domesticated animal over to an individual identified in §55-19-1(b) of this code.

(b) The following individuals are not liable to the owner of a motor vehicle in a civil action for any damages to the owner’s motor vehicle, if when acting in the course of their employment they take all steps that are reasonably necessary to remove a domesticated animal from a locked and/or unattended motor vehicle if the animal’s safety, health or well-being appears to be in immediate danger from heat, cold or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering or death:

(1) Law-enforcement officer;

(2) Humane agent;

(3) Animal control officer;

(4) Firefighter;

(5) Emergency responder;

(6) Licensed security guard; or

(7) Veterinarian or veterinary assistant.

(c) Any individual acting pursuant to §55-19-1(b) of this code who removes and takes custody of a domesticated animal pursuant to §55-19-1(a) of this code must leave written notice bearing his or her name, title, telephone number and address of the location where the 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.