

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 896
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HOUSE PRINCIPAL CLERK

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HOUSE DRH30294-LH-156A (03/27)

Short Title: Forcible Entry Into Car/Child Trapped Inside. (Public)

Sponsors: Representative Hanes.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE IMMUNITY FROM CIVIL LIABILITY FOR A PERSON WHO
3 FORCIBLY BREAKS INTO A VEHICLE TO REMOVE A MINOR WHO APPEARS TO
4 BE IN IMMINENT DANGER.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 1 of the General Statutes is amended by adding a new
7 Article to read:

8 "Article 43F.

9 "Immunity for Forcible Entry into Vehicle to Remove a Minor.

10 "**§ 1-539.27. Immunity from civil liability for forcible entry into vehicle for purpose of**
11 **removing a minor.**

12 (a) A person whose conduct conforms to the requirements of subsection (b) of this
13 section shall be immune from civil liability for any damage resulting from the forcible entry of
14 a motor vehicle for the purpose of removing a minor from the vehicle.

15 (b) Subsection (a) of this section applies if the person does all of the following:

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

18 (2) Has a good faith belief that forcible entry into the vehicle is necessary
19 because the minor is in imminent danger of suffering harm if not
20 immediately removed from the vehicle and, based upon the circumstances
21 known to the person at the time, the belief is a reasonable one.

22 (3) Has contacted either the local law enforcement agency, the fire department,
23 or the 911 operator prior to forcibly entering the vehicle.

24 (4) Places a notice on the vehicle's windshield with the person's contact
25 information, the reason the entry was made, the location of the minor, and
26 that the authorities have been notified.

27 (5) Remains with the minor in a safe location, out of the elements but
28 reasonably close to the vehicle until law enforcement, fire, or other
29 emergency responder arrives.

30 (6) Used no more force to enter the vehicle and remove the child from the
31 vehicle than is necessary under the circumstances.

32 (c) Nothing in this section shall affect the person's civil liability if the person attempts
33 to render aid to the minor in addition to what is authorized by this section."

34 SECTION 2. This act becomes effective October 1, 2015, and applies to causes of
35 action arising on or after that date.



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