** HB 2494 Formerly SB1001 civil liability; minors; vehicles**

**Samaritan Hot Car Law**

**Background**

We know from 1998-2016, 700 Children died in the United States due to being left in a hot car. We also know, Arizona ranks 3rd, per capita, in the United States for Vehicular Heatstroke Deaths, the 36th death of the total 39 in 2016, was five month old, Israel Avila of Peoria - it was October - it was only 86 degrees outside. http://noheatstroke.org

While there are no definitive statistics supporting how many domestic animals die of heat stroke due to being left in a hot car, the American Veterinary Medical Association estimates 100s of dogs do die in hot cars annually in the United States, with vastly more deaths going unreported**.** Every year scores of domestic animals are locked in cars sweltering in the Arizona sun. Many die. This past May, in Phoenix, a woman left her dog in the car with windows down, air running – the dog died several hours later, the temperature outside was in the 90s. As is the case with both children and pets 100% of vehicular heat stroke deaths are preventable.

While providing civil protection to a good Samaritan who intervenes won’t solve this enormous problem, we hope the legislative process and subsequent passing of this bill will not only promote awareness of the deadly consequences of leaving a child or pet in a hot car, it will incline people to act quickly. If one child or pet is saved by a Good Samaritan inspired by this law, it will have been worth it.

Governor Ducey said it best in his recent State of the State Address:

*“All it takes is a good Samaritan to save a life. To be on the lookout, see movement, take action, and stop another death. The last thing we’d want is any Arizonan worried about breaking into that car to save a life. Send me a bill protecting the good Samaritans who save the lives of children and pets — and I’ll sign it.”*

**Provisions**

A person who uses reasonable force to remove a child or domestic animal from a locked motor vehicle is not liable for damages in a civil action if they comply with the following conditions:

1. The rescuer has a good faith belief that the confined child or pet is in imminent danger of suffering physical injury or death unless they are removed from the vehicle

2. Before entering the vehicle, the rescuer notifies the proper authorities (defined).

3. The rescuer determines the car is locked or there is no reasonable manner in which the person can remove the child or pet.

4. The rescuer does not use more force than is necessary under the circumstances to enter the vehicle.

5. The rescuer remains with the child or pet until the authorities arrive.

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