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**SENATE BILL 6151**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Senators Salomon, Mullet, Pedersen, Carlyle, Keiser, Hunt, Das, and Kuderer

AN ACT Relating to liability for entry into a motor vehicle to remove an animal; and amending RCW 16.52.340.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 16.52.340 and 2015 c 235 s 1 are each amended to read as follows:

(1) It is a class 2 civil infraction under RCW 7.80.120 to leave or confine any animal unattended in a motor vehicle or enclosed space if the animal could be harmed or killed by exposure to excessive heat, cold, lack of ventilation, ((~~or~~)) lack of necessary water, or other circumstances reasonably expected to cause suffering, disability, or the death of the animal.

(2) To protect the health and safety of an animal, an animal control officer ((~~or~~)), firefighter, law enforcement officer, or other emergency responder who reasonably believes that an animal is suffering or is likely to suffer harm from exposure to excessive heat, cold, lack of ventilation, or lack of necessary water is authorized to enter a vehicle or enclosed space to remove an animal by any means reasonable under the circumstances if no other person is present in the immediate area who has access to the vehicle or enclosed space and who will immediately remove the animal. An animal control officer, law enforcement officer, firefighter, other emergency responder, or the department or agency employing such an officer or emergency responder is not liable for any damage to property resulting from actions taken under this section.

(3)(a) This section does not prevent a person who is not an animal control officer, firefighter, law enforcement officer, or other emergency responder from taking reasonable steps to remove an animal from a motor vehicle if the person reasonably believes the animal's safety is in imminent danger of serious harm from heat, cold, lack of ventilation, lack of necessary water, or other circumstances that could reasonably be expected to cause disability or the death of the animal.

(b) A person who removes an animal from a vehicle and complies with all the requirements of this subsection is not criminally liable for actions taken reasonably and in good faith and is not liable for property damage to the motor vehicle caused while the person removed an animal from the vehicle. This immunity from liability for property damage to the motor vehicle does not affect a person's liability for rendering aid to the animal removed from the vehicle. The person must:

(i) Determine the vehicle is locked or there is no reasonable manner to otherwise remove the animal from the vehicle;

(ii) Believe in good faith that forcible entry into the vehicle is necessary because the animal is in imminent danger of suffering serious harm, disability, or death if the animal is not immediately removed from the vehicle and, based upon the circumstances known to the person at the time, the belief is reasonable;

(iii) Make a good faith effort to contact a local law enforcement agency, the fire department, animal control, or the 911 emergency service system prior to forcibly entering the vehicle;

(iv) Place a note on the vehicle's windshield with the person's contact information, the reason entry was made, and the location of the animal;

(v) Use no more force to enter and remove the animal from the vehicle than is necessary under the circumstances;

(vi) Remain with the animal in a safe location reasonably close to the vehicle until law enforcement, animal control, firefighters, or other emergency responders arrive; and

(vii) Turn the animal over to law enforcement, animal control, firefighters, or other emergency responders upon their arrival at the scene.

(4) Nothing in this section prevents the person who has confined the animal in the vehicle or enclosed space from being convicted of separate offenses for animal cruelty under RCW 16.52.205 or 16.52.207.

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