

HOUSE BILL REPORT

HB 1046

As Reported by House Committee On:
Civil Rights & Judiciary

Title: An act relating to protecting the vulnerable by providing immunity from civil liability for damage to a motor vehicle arising from the rescue of vulnerable persons or domestic animals.

Brief Description: Protecting the vulnerable by providing immunity from civil liability for damage to a motor vehicle arising from the rescue of vulnerable persons or domestic animals.

Sponsors: Representatives Leavitt, Low, Ryu, Walen, Fitzgibbon, Callan, Bronoske, Peterson, Pollet, Nance, Berg and Fosse.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 1/17/25, 1/22/25 [DP].

Brief Summary of Bill

- Provides civil immunity for damages to a motor vehicle to any person who enters a motor vehicle to remove a vulnerable person or domestic animal, subject to certain requirements.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 8 members: Representatives Taylor, Chair; Farivar, Vice Chair; Entenman, Goodman, Peterson, Salahuddin, Thai and Walen.

Minority Report: Without recommendation. Signed by 5 members: Representatives Walsh, Ranking Minority Member; Abell, Assistant Ranking Minority Member; Burnett, Graham and Jacobsen.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: John Burzynski (786-7133).

Background:

Civil Liability and Immunity in General.

When one individual causes harm to another or damages property, whether inadvertently or intentionally, the victim can typically bring a civil action in court against the responsible party to recover money damages. Washington provides limited immunity from civil liability to certain individuals engaged in specified activities.

Civil Immunity for Emergency Nonmedical Care and Assistance.

Any person who, without compensation or the expectation of compensation, provides nonmedical care or assistance at the scene of an emergency or disaster is not liable for civil damages resulting from any act or omission in the rendering of such care or assistance other than acts or omissions constituting gross negligence or willful or wanton misconduct.

"Emergency or disaster" means an event or circumstances that demand immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrence; or that reaches such a dimension or degree of destructiveness as to warrant the Governor declaring a state of emergency.

"Nonmedical care or assistance" includes response and rescue operations as well as the provision of such necessities and amenities as food, supplies, shelter, transportation, and child care.

Civil Immunity for the Care or Rescue of Animals.

If any domestic animal is impounded or confined without necessary food and water for more than 36 consecutive hours, any person may enter and open the pound or place of confinement in which the domestic animal is confined and supply it with necessary food and water so long as it is confined. Such person is not liable for the entry and may collect the reasonable cost of food and water from the animal's owner.

To protect the health and safety of an animal, an animal control officer or law enforcement officer 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, and the officer's employer are not liable for any damage to property resulting from such actions.

Summary of Bill:

Civil Immunity for the Rescue of Vulnerable Persons and Domestic Animals.

Any person who enters a motor vehicle, by force or otherwise, to remove a vulnerable person or domestic animal is immune from civil liability for damage to the motor vehicle, subject to certain requirements. To qualify for immunity, the person must:

1. determine the vehicle is locked or there is no reasonable method for the vulnerable person or domestic animal to exit the vehicle without assistance;
2. have a good faith and reasonable belief, based on known circumstances, that entry into the vehicle is necessary because the vulnerable person or domestic animal is in imminent danger of harm;
3. ensure law enforcement is notified or 911 called before entering the vehicle or immediately thereafter;
4. use no more force than necessary to enter the vehicle and remove the vulnerable person or domestic animal; and
5. remain with the vulnerable person or domestic animal in a safe location, reasonably close to the vehicle, until law enforcement, animal control, or other first responders arrive.

Defined Terms.

"Domestic animal" means a dog, cat, or other animal that is domesticated and may be kept as a household pet. The term does not include livestock or other farm animals.

"Motor vehicle" means a vehicle that is self-propelled or a vehicle that is propelled by electric power obtained from overhead trolley wires but not operated upon rails, subject to certain exceptions.

"Vulnerable person" means a person under the age of 18 or a person whose ability to perform the normal activities of daily living or to provide for their own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is a prudent measure and ensures distressed persons and animals can be rescued during extreme weather events. Without this bill, some reasonable people will

be concerned about their liability and unwilling to break into a vehicle despite good faith recognition that a person or animal is in danger.

Even if the windows of a vehicle are cracked open, the interior temperature can rise almost 20 degrees in 10 minutes and continue to rise the longer the vehicle is parked. Domestic animals like cats and dogs are unable to regulate their body temperatures as efficiently as humans. The death of a family pet is a tragedy.

This bill addresses a problem that can arise in rural communities where it takes too long for law enforcement to arrive and rescue an animal. Fourteen other states have enacted similar legislation, including Arizona, Colorado, Florida, Kansas, Tennessee, Vermont, and Wisconsin.

(Opposed) None.

Persons Testifying: Representative Mari Leavitt, prime sponsor; and Cat Kelly, Animal Legal Defense Fund.

Persons Signed In To Testify But Not Testifying: None.