

Protect the rescuers of kids locked in cars

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Bystanders should not be constrained by fears of a lawsuit when they need to rescue children locked inside a hot car. A bill being considered in the S.C. House to help protect children left alone in cars is a good example of legislation that shouldn't be necessary but unfortunately is.

The bill would protect bystanders from punishment or lawsuits by car owners if they bash in one of the car's windows to rescue endangered children or disabled adults. House Speaker Jay Lucas, R-Darlington, and Speaker President Pro Tempore Tommy Pope, R-York, cosponsored the bill.

The bill would address a genuine problem. Since 1997, 10 unattended South Carolina children have died from overheating in cars. Nationwide, according to the advocacy group KidsandCars.org, 31 children, including three in South Carolina, died from overheating in cars last year.

In South Carolina, it is illegal to leave a child under the age of 9 alone in a car for more than five minutes. Children also are considered "unattended" if they are left in the care of someone younger than 12.

Police, firefighters and emergency medical service personnel already are protected from liability when rescuing children in cars. The law allows them to use "any means that is reasonably necessary" to protect the child.

The new bill would extend much the same legal protection to bystanders who might spot an infant left inside a car on a hot day. Civilian rescuers can break a window to get to the child, but they are required to call 911 before or immediately after doing so.

If they are acting in good faith, they won't be subject to any legal liability for damages.

South Carolina has a so-called "Good Samaritan" law that protects bystanders from lawsuits if they help accident or fire victims. Extending the protection to those who help children in locked cars makes perfect sense.

One would think support for this bill would be unanimous. But Richland County Sheriff Leon Lott offered a nonsensical opposing view. Lott said he prefers allowing firefighters or police to assess the situation and do their jobs.

"Someone might see a kid with their eyes closed and drool coming out of their mouth, and the kid might just be asleep," Lott said. "It's hard to legislate common sense."

But it's against the law to leave young children alone in a car under any circumstances. And how are bystanders supposed to know for sure if the children are just napping or in danger of dying?

In situations such as this, seconds can make a difference. The law should encourage bystanders to act, not hesitate because they are worried about being sued.

Ironically, the new bill also could serve as a deterrent to those who might be tempted to leave a child unattended in a car for more than five minutes. If they realize they are running the risk of some stranger breaking a car window, they are likely to think twice before risking the life of a child.

It should be noted that the law does not cover the rescue of animals. While leaving pets in a hot car also can be a recipe for disaster, bystanders should call authorities, not break a window to save them.

Sheriff Lott is right that you can't legislate common sense. But at least this law protects people who come to the rescue of those without sense enough not to leave children unattended in cars.

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