

SENATE BILL NO. 190—COMMITTEE ON JUDICIARY

FEBRUARY 22, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the liability of certain persons for protecting or removing a child or pet from a motor vehicle. (BDR 15-802)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public safety; revising provisions relating to immunity from civil liability for certain actions taken to protect or remove a child or pet from a motor vehicle under certain circumstances; providing immunity from criminal liability for certain actions taken to protect or remove a child or pet from a motor vehicle under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a person from leaving a child or pet in a motor vehicle
2 under certain circumstances. (NRS 202.485, 202.487) Existing law authorizes a law
3 enforcement officer or other person rendering emergency services to use any
4 reasonable means necessary to protect a child left unattended or inadequately
5 attended in a motor vehicle and to remove the child from the motor vehicle without
6 incurring civil liability, under certain circumstances. (NRS 202.485) Existing law
7 similarly authorizes a peace officer, animal control officer, certain governmental
8 officers or employees and certain other persons to use any reasonable means
9 necessary to protect a pet left unattended in a motor vehicle and to remove the pet
10 from the motor vehicle without incurring civil liability, under certain
11 circumstances. (NRS 202.487) **Sections 1 and 2** of this bill provide that a person
12 who is immune from civil liability for taking certain actions is also immune from
13 criminal liability under the same circumstances as existing law grants the person
14 immunity from civil liability. **Sections 1 and 2** also authorize a person to whom
15 existing law does not grant immunity from civil liability to use any reasonable
16 means necessary to protect a child or pet left unattended or inadequately attended in
17 a motor vehicle and to remove the pet or child from the motor vehicle without
18 incurring civil or criminal liability if the person: (1) determines that the motor
19 vehicle is locked or there is no other reasonable way to protect the child or pet or



20 remove the child or pet from the vehicle; (2) reports the violation to a law
21 enforcement agency or certain other governmental entities; (3) remains with the
22 child or pet until informed that his or her presence is no longer needed; and (4)
23 cooperates with certain persons who respond to a request for assistance.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 202.485 is hereby amended to read as follows:

2 202.485 1. A parent, legal guardian or other person
3 responsible for a child who is 7 years of age or younger shall not
4 knowingly and intentionally leave that child in a motor vehicle if:

5 (a) The conditions present a significant risk to the health and
6 safety of the child; or

7 (b) The engine of the motor vehicle is running or the keys to the
8 vehicle are in the ignition,

9 ↪ unless the child is being supervised by and within the sight of a
10 person who is at least 12 years of age.

11 2. A person who violates the provisions of subsection 1 is
12 guilty of a misdemeanor. The court may suspend the proceedings
13 against a person who is charged with violating subsection 1 and
14 dismiss the proceedings against the person if the person presents
15 proof to the court, within the time specified by the court, that the
16 person has successfully completed an educational program
17 satisfactory to the court. The educational program must include,
18 without limitation, information concerning the dangers of leaving a
19 child unattended or inadequately attended in a motor vehicle.

20 3. A law enforcement officer or other person rendering
21 emergency services who reasonably believes that a violation of this
22 section has occurred may, without incurring civil *or criminal*
23 liability, use any reasonable means necessary to protect the child
24 and to remove the child from the motor vehicle.

25 4. *A person, other than a person described in subsection 3,*
26 *who reasonably believes that a violation of subsection 1 has*
27 *occurred may, without incurring any civil or criminal liability, use*
28 *any reasonable means necessary to protect the child and to remove*
29 *the child from the motor vehicle if the person:*

30 (a) *Determines that the motor vehicle is locked or there is no*
31 *other reasonable way to protect the child or remove the child from*
32 *the vehicle;*

33 (b) *Reports the violation of subsection 1 to a member of a law*
34 *enforcement agency or a 911 emergency service or assists another*
35 *person making such a report;*

36 (c) *Remains with the child in a safe place in close proximity to*
37 *the motor vehicle until informed that his or her presence is no*



1 *longer necessary by the law enforcement officer or other person*
2 *who responds to the request for assistance made pursuant to*
3 *paragraph (b); and*

4 *(d) Cooperates with any law enforcement officer and any other*
5 *person rendering emergency services to the child.*

6 5. No person may be prosecuted under this section if the
7 conduct would give rise to prosecution under any other provision of
8 law.

9 ~~5.1~~ 6. The provisions of this section do not apply to a person
10 who unintentionally locks a motor vehicle with a child in the
11 vehicle.

12 **Sec. 2.** NRS 202.487 is hereby amended to read as follows:

13 202.487 1. Except as otherwise provided in subsection ~~3.1~~ 4,
14 a person shall not allow a pet to remain unattended in a parked or
15 standing motor vehicle if conditions, including, without limitation,
16 extreme heat or cold, present a significant risk to the health and
17 safety of the pet.

18 2. Any:

19 (a) Peace officer;

20 (b) Animal control officer;

21 (c) Governmental officer or employee whose primary duty is to
22 ensure public safety;

23 (d) Employee or volunteer of any organized fire department; or

24 (e) Member of a search and rescue organization in this State that
25 is under the direct supervision of a sheriff,

26 ↪ who reasonably believes that a violation of this section has
27 occurred may, without incurring civil *or criminal* liability, use any
28 reasonable means necessary to protect the pet and to remove the pet
29 from the motor vehicle.

30 3. *A person, other than a person described in subsection 2,*
31 *who reasonably believes that a violation of subsection 1 has*
32 *occurred may, without incurring any civil or criminal liability, use*
33 *any reasonable means necessary to protect the pet and to remove*
34 *the pet from the motor vehicle, if the person:*

35 (a) *Determines that the motor vehicle is locked or there is no*
36 *other reasonable way to remove the pet from the vehicle;*

37 (b) *Reports the violation of subsection 1 to a member of a law*
38 *enforcement agency, a 911 emergency service, an animal control*
39 *agency or a fire department;*

40 (c) *Remains with the pet in a safe place in close proximity to*
41 *the motor vehicle until informed that his or her presence is no*
42 *longer necessary by the law enforcement officer, animal control*
43 *officer or other person who responds to the request for assistance*
44 *made pursuant to paragraph (b); and*



1 *(d) Cooperates with any person who responds to the request*
2 *for assistance made pursuant to paragraph (b).*

3 **4.** The provisions of subsection 1 do not apply to:

4 (a) A police animal or an animal that is used by:

5 (1) A federal law enforcement agency to assist the agency in
6 carrying out the duties of the agency; or

7 (2) A search and rescue organization in this State that is
8 under the direction of a sheriff to assist the organization in carrying
9 out the activities of the organization; or

10 (b) A dog that is under the possession or control of:

11 (1) An animal control officer; or

12 (2) A first responder during an emergency.

13 ~~[4.]~~ **5.** A pet that is removed from a motor vehicle pursuant to
14 subsection 2 *or* 3 shall be deemed to be an animal being treated
15 cruelly for the purposes of NRS 574.055. A person required by NRS
16 574.055 to take possession of a pet removed pursuant to this section
17 may take any action relating to the pet specified in NRS 574.055
18 and is entitled to any lien or immunity from liability that is
19 applicable pursuant to that section.

20 ~~[5.]~~ **6.** The provisions of this section do not:

21 (a) Interfere with or prohibit any activity, law or right specified
22 in NRS 574.200; or

23 (b) Apply to a person who unintentionally locks a motor vehicle
24 with a pet in the motor vehicle.

25 ~~[6.]~~ **7.** A person who violates a provision of subsection 1 is
26 guilty of a misdemeanor.

27 ~~[7.]~~ **8.** As used in this section:

28 (a) "Animal" has the meaning ascribed to it in NRS 574.050.

29 (b) "First responder" has the meaning ascribed to it in
30 NRS 574.050.

31 (c) "Pet" means a domesticated animal owned or possessed by a
32 person for the purpose of pleasure or companionship and includes,
33 without limitation, a cat or dog.

34 (d) "Police animal" has the meaning ascribed to it in
35 NRS 574.050.

36 **Sec. 3.** The provisions of this act apply to a cause of action
37 that accrues on or after July 1, 2023.

38 **Sec. 4.** This act becomes effective on July 1, 2023.

