

"Good Samaritan" protection for saving children

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OKLAHOMA CITY - A Tulsa legislator has endorsed a measure that would immunize from civil liability any 'Good Samaritan' who breaks out a window in a locked motor vehicle to save the life of an endangered child. State Rep. Kevin Matthews signed on as a co-author of House Bill 1902, which passed the House of Representatives this week, 99-0, and was referred to the Senate for consideration.

"Because of our litigious society, this measure is needed to save the lives of unattended children," said Matthews, a member of the House Committee on Public Safety.

HB 1902 decrees that if someone breaks into a motor vehicle "for the purpose of removing a child" deemed to be in danger, that person would be immune from civil liability for any damage incurred to the car, truck or van.

"During Oklahoma's typical blistering summer heat, the temperature inside a hot car can rise more than 20 degrees in just 10 minutes, and leaving a child locked inside a vehicle could lead to death or heat stroke in the same brief amount of time," Matthews said.

HB 1902 would complement Oklahoma's 'Good Samaritan' law that protects citizens from being sued if they provide emergency medical care to someone who's sick or injured, the Tulsa Democrat said.

In addition, Oklahoma legislators passed the "Forget Me Not Vehicle Safety Act" in 2008. That law makes it a misdemeanor crime to leave a child under 6 or a vulnerable adult unattended in a motor vehicle with inadequate ventilation or under extreme weather conditions. The penalty for a first offense is \$50.

Last year, at least 30 heat stroke deaths of children left in cars were reported nationally; one of those incidents occurred in Ardmore. The year before the number of children nationally who died from heat stroke suffered in a vehicle was 44. An average of 38 heat stroke fatalities of children have been recorded in the U.S. every year since 1998, according to the National Highway Traffic Safety Administration. More than half of those deaths occurred because a caregiver forgot the child in the vehicle, and roughly 30% of the deaths occurred because a child who got in a vehicle without the driver's knowledge subsequently couldn't get out, the NHTSA reports.

The body temperatures of children can increase three to five times faster than adults, medical officials say.

Under HB 1902, a 'Good Samaritan' would be protected from liability if he/she:

- * found the vehicle locked "or there is otherwise no reasonable method for the child to exit" the vehicle;
- * has "a good-faith belief" that forcible entry "is necessary because the child is in imminent danger of suffering harm if not immediately removed" from the vehicle, and, "based upon the circumstances ... the belief is a reasonable one";
- * contacts the local law-enforcement agency, the fire department or the 911 emergency telephone service prior to breaking into the vehicle;
- * leaves a notice on the vehicle's windshield "with the person's contact information, the reason entry was made, the location of the child," and word that authorities have been notified;
- * remains with the child "in a safe location, out of the elements but reasonably close to the motor vehicle," until the police or sheriff's department, fire department or some other emergency responder arrives;
- * exercised "no more force ... than necessary under the circumstances" to enter the vehicle and remove the child.

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