



February 7, 2017

HOUSE BILL No. 1085

DIGEST OF HB 1085 (Updated February 6, 2017 2:05 pm - DI 123)

Citations Affected: IC 34-6; IC 34-30.

Synopsis: Immunity for rescuing an animal from a motor vehicle. Provides that a person who removes a domestic animal from a motor vehicle is immune from civil liability for any property damage resulting from the person's forcible entry of the motor vehicle to remove the animal if the person: (1) reasonably believes that the animal is in imminent danger of suffering serious bodily harm; (2) dials 911 or otherwise attempts to contact a law enforcement officer or other emergency responder; (3) uses no more force than the person reasonably believes necessary to enter the vehicle and remove the animal; and (4) remains with the animal until a law enforcement officer or other emergency responder arrives.

Effective: July 1, 2017.

**Cook, Lawson L, Schaibley,
Karickhoff**

January 5, 2017, read first time and referred to Committee on Judiciary.
February 6, 2017, amended, reported — Do Pass.

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February 7, 2017

First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1085

A BILL FOR AN ACT to amend the Indiana Code concerning animals.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-6-2-34.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2017]: **Sec. 34.3. "Domestic animal", for purposes of**
4 **IC 34-30-30, has the meaning set forth in IC 34-30-30-1.**
5 SECTION 2. IC 34-6-2-84, AS AMENDED BY P.L.136-2015,
6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2017]: Sec. 84. **(a)** "Motor vehicle", for purposes of
8 IC 34-30-29.2 and IC 34-40-4, has the meaning set forth in
9 IC 9-13-2-105(a).
10 **(b) "Motor vehicle", for purposes of IC 34-30-30, has the**
11 **meaning set forth in IC 34-30-30-2.**
12 SECTION 3. IC 34-30-30 IS ADDED TO THE INDIANA CODE
13 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2017]:
15 **Chapter 30. Immunity for Removing a Domestic Animal From**
16 **a Locked Motor Vehicle**
17 **Sec. 1. As used in this chapter, "domestic animal" means a dog,**

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1 **cat, or other vertebrate animal that is domesticated and:**

2 **(1) kept as a household pet; or**

3 **(2) intended to be kept as a household pet.**

4 **(b) The term does not include an animal to which the definition**
 5 **of "livestock" set forth in IC 15-11-5-1 applies.**

6 **Sec. 2. As used in this chapter, "motor vehicle" means an**
 7 **automobile, truck, or other conveyance that:**

8 **(1) is designed to transport people or objects on roads and**
 9 **highways; and**

10 **(2) contains an enclosed space into which a domestic animal**
 11 **may be put.**

12 **Sec. 3. A person who removes a domestic animal from a motor**
 13 **vehicle is immune from civil liability for property damage resulting**
 14 **from the forcible entry of the motor vehicle for the purpose of**
 15 **removing the domestic animal from the motor vehicle if all of the**
 16 **following conditions are met:**

17 **(1) A domestic animal is present in the enclosed space of the**
 18 **motor vehicle and the person reasonably believes that the**
 19 **domestic animal is in imminent danger of suffering serious**
 20 **bodily harm if the domestic animal remains in the motor**
 21 **vehicle.**

22 **(2) The person determines that:**

23 **(A) the motor vehicle is locked; and**

24 **(B) forcible entry of the motor vehicle is necessary to**
 25 **remove the domestic animal from the motor vehicle.**

26 **(3) The person dials telephone number 911 or otherwise**
 27 **attempts to contact a law enforcement officer, a fire**
 28 **department officer, an animal control officer, or another**
 29 **emergency responder before the person forcibly enters the**
 30 **motor vehicle.**

31 **(4) The person uses no more force than is reasonably**
 32 **necessary to enter the motor vehicle and remove the domestic**
 33 **animal from the motor vehicle.**

34 **(5) The person remains with the domestic animal until a law**
 35 **enforcement officer, fire department officer, animal control**
 36 **officer, or other emergency responder arrives at the scene.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1085, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 13, delete "any bodily injury or".

Page 2, line 18, delete "has a good faith belief" and insert "**reasonably believes**".

Page 2, line 31, delete "than the person" and insert "**than is**".

Page 2, line 32, delete "believes".

Page 2, delete lines 37 through 42.

Delete pages 3 through 4.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1085 as introduced.)

STEUERWALD

Committee Vote: yeas 9, nays 1.

