

HOUSE BILL No. 1185

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-31-6-1; IC 34-6-2; IC 34-30.

Synopsis: Limited liability for aiding a companion animal. Provides that a certified advanced emergency medical technician, certified emergency medical technician, or paramedic who provides certain emergency medical services to a companion animal is not liable for an act or omission related to the services provided unless the act or omission constitutes negligence or willful misconduct. Defines "companion animal" as a pet or service animal. Grants civil immunity to a person who forcibly enters a locked car for the purpose of rescuing a companion animal. Does not extend civil immunity to acts of entry involving gross negligence or willful and wanton misconduct. Defines additional terms.

Effective: July 1, 2017.

Lawson L

January 10, 2017, read first time and referred to Committee on Judiciary.



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. 1185

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

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

1 SECTION 1. IC 16-18-2-66.3 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2017]: **Sec. 66.3. "Companion animal", for**
4 **purposes of IC 16-31-6-1(b), has the meaning set forth in**
5 **IC 34-6-2-27.5.**

6 SECTION 2. IC 16-18-2-279.5 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2017]: **Sec. 279.5. "Pet", for purposes of**
9 **IC 34-6-2-27.5, means a dog or cat.**

10 SECTION 3. IC 16-31-6-1, AS AMENDED BY P.L.77-2012,
11 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2017]: Sec. 1. (a) A certified emergency medical technician
13 who provides emergency medical services to an emergency patient is
14 not liable for an act or omission in providing those services unless the
15 act or omission constitutes negligence or willful misconduct. If the
16 emergency medical technician is not liable for an act or omission, no
17 other person incurs liability by reason of an agency relationship with



1 the emergency medical technician.

2 **(b) A certified advanced emergency medical technician, certified**
 3 **emergency medical technician, or paramedic who performs any of**
 4 **the following emergency medical services for a companion animal**
 5 **is not liable for an act or omission in providing the service unless**
 6 **the act or omission constitutes negligence or willful misconduct:**

7 **(1) Opening or manually maintaining an airway.**

8 **(2) Providing mouth to snout or mouth to barrier ventilation.**

9 **(3) Administering oxygen.**

10 **(4) Providing ventilation by mask.**

11 **(5) Controlling a hemorrhage with direct pressure.**

12 **(6) Immobilizing a fracture.**

13 **(7) Bandaging a wound.**

14 **(8) Administering naloxone hydrochloride under:**

15 **(A) a written protocol issued by the Indiana emergency**
 16 **medical services commission; or**

17 **(B) the advice or instruction of a veterinarian.**

18 **If the certified advanced emergency medical technician, certified**
 19 **emergency medical technician, or paramedic is not liable for an act**
 20 **or omission, no other person incurs liability by reason of an agency**
 21 **relationship with the certified advanced emergency medical**
 22 **technician, emergency medical technician, or paramedic.**

23 ~~(b)~~ **(c)** This section does not affect the liability of a driver of a
 24 ambulance for negligent operation of the ambulance.

25 SECTION 4. IC 34-6-2-27.5 IS ADDED TO THE INDIANA CODE
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 27 1, 2017]: **Sec. 27.5. (a) "Companion animal", for purposes of**
 28 **IC 34-30-29.1, means a:**

29 **(1) pet; or**

30 **(2) service animal.**

31 **(b) The term does not include livestock.**

32 SECTION 5. IC 34-6-2-74.1, AS ADDED BY P.L.155-2013,
 33 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2017]: **Sec. 74.1. "Livestock", for purposes of IC 34-30-5 and**
 35 **IC 34-30-29.1-3, has the meaning set forth in IC 15-19-5-3.**

36 SECTION 6. IC 34-6-2-103, AS AMENDED BY P.L.132-2015,
 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2017]: **Sec. 103. (a) "Person", for purposes of IC 34-14, has**
 39 **the meaning set forth in IC 34-14-1-13.**

40 **(b) "Person", for purposes of IC 34-11-2-11.5 and IC 34-24-4,**
 41 **means:**

42 **(1) an individual;**



- 1 (2) a governmental entity;
 2 (3) a corporation;
 3 (4) a firm;
 4 (5) a trust;
 5 (6) a partnership; or
 6 (7) an incorporated or unincorporated association that exists
 7 under or is authorized by the laws of this state, another state, or a
 8 foreign country.
- 9 (c) "Person", for purposes of section 44.8 of this chapter, ~~and~~
 10 **IC 34-30-29-1, IC 34-30-29.1-1, and IC 34-30-29.1-2**, means an adult
 11 or a minor.
- 12 (d) "Person", for purposes of IC 34-26-4, has the meaning set forth
 13 in IC 35-31.5-2-234.
- 14 (e) "Person", for purposes of IC 34-30-5, means any of the
 15 following:
- 16 (1) An individual.
 17 (2) A corporation.
 18 (3) A partnership.
 19 (4) An unincorporated association.
 20 (5) The state (as defined in IC 34-6-2-140).
 21 (6) A political subdivision (as defined in IC 34-6-2-110).
 22 (7) Any other entity recognized by law.
- 23 (f) "Person", for purposes of IC 34-30-6, means an individual, a
 24 corporation, a limited liability company, a partnership, an
 25 unincorporated association, or a governmental entity that:
- 26 (1) has qualifications or experience in:
 27 (A) storing, transporting, or handling a hazardous substance or
 28 compressed gas;
 29 (B) fighting fires;
 30 (C) emergency rescue; or
 31 (D) first aid care; or
 32 (2) is otherwise qualified to provide assistance appropriate to
 33 remedy or contribute to the remedy of the emergency.
- 34 (g) "Person", for purposes of IC 34-30-18, includes:
 35 (1) an individual;
 36 (2) an incorporated or unincorporated organization or association;
 37 (3) the state of Indiana;
 38 (4) a political subdivision (as defined in IC 36-1-2-13);
 39 (5) an agency of the state or a political subdivision; or
 40 (6) a group of such persons acting in concert.
- 41 (h) "Person", for purposes of sections 42, 43, 69, and 95 of this
 42 chapter, means an individual, an incorporated or unincorporated



1 organization or association, or a group of such persons acting in
2 concert.

3 (i) "Person", for purposes of IC 34-30-10.5, means the following:

4 (1) A political subdivision (as defined in IC 36-1-2-13).

5 (2) A volunteer fire department (as defined in IC 36-8-12-2).

6 (3) An employee of an entity described in subdivision (1) or (2)
7 who acts within the scope of the employee's responsibilities.

8 (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is
9 acting for a volunteer fire department.

10 (5) A corporation, a limited liability company, a partnership, an
11 unincorporated association, or any other entity recognized by law.

12 (j) "Person", for purposes of IC 34-28-7, means:

13 (1) an individual;

14 (2) a governmental entity;

15 (3) a corporation;

16 (4) a firm;

17 (5) a trust;

18 (6) a partnership; or

19 (7) an incorporated or unincorporated association that exists
20 under or is authorized by the laws of this state, another state, or a
21 foreign country.

22 (k) "Person", for purposes of IC 34-31-9, has the meaning set forth
23 in IC 34-31-9-8.

24 SECTION 7. IC 34-6-2-136.5 IS ADDED TO THE INDIANA
25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2017]: **Sec. 136.5. "Service animal", for**
27 **purposes of IC 34-6-2-27.5, has the meaning set forth in**
28 **IC 35-46-3-11.5(a).**

29 SECTION 8. IC 34-30-2-68 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 68. IC 16-31-6-1
31 (Concerning ambulance attendants, **paramedics, certified advanced**
32 **emergency medical technicians**, and certified emergency medical
33 technicians who render emergency ambulance services).

34 SECTION 9. IC 34-30-29.1 IS ADDED TO THE INDIANA CODE
35 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2017]:

37 **Chapter 29.1. Immunity for Damage Caused Rescuing a**
38 **Companion Animal**

39 **Sec. 1. (a) A person whose conduct conforms to subsection (b)**
40 **is immune from civil liability for any damage resulting from the**
41 **forcible entry of a motor vehicle for the purpose of removing a**
42 **companion animal from the motor vehicle.**



- 1 **(b) Subsection (a) applies to a person if the person:**
2 **(1) determines that a motor vehicle is locked or that there is**
3 **no other reasonable method for a companion animal to exit or**
4 **be removed from the vehicle;**
5 **(2) has a good faith belief that forcible entry into the motor**
6 **vehicle is necessary because a companion animal is in**
7 **imminent danger of suffering harm if not immediately**
8 **removed and, based on the circumstances known to the**
9 **person at the time, the belief is reasonable;**
10 **(3) contacts a local law enforcement agency, fire department,**
11 **or 911 dispatcher before forcibly entering the motor vehicle,**
12 **if practicable, or as soon as possible thereafter;**
13 **(4) uses no more force than necessary to enter the motor**
14 **vehicle and remove the companion animal; and**
15 **(5) remains with the companion animal in a safe location near**
16 **the entered motor vehicle until a law enforcement officer or**
17 **firefighter arrives.**
18 **Sec. 2. Section 1 of this chapter does not grant immunity from**
19 **civil liability to a person who:**
20 **(1) renders aid to a companion animal beyond what is**
21 **authorized in section 1 of this chapter; or**
22 **(2) exercises gross negligence or willful and wanton**
23 **misconduct.**
24 **Sec. 3. This chapter does not affect the transportation of**
25 **livestock.**

