

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

SENATE BILL 1001

AN ACT

AMENDING TITLE 12, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, BY
ADDING SECTION 12-558.02; RELATING TO CIVIL LIABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 12, chapter 5, article 3, Arizona Revised
3 Statutes, is amended by adding section 12-558.02, to read:
4 12-558.02. Limited liability: removing minor or confined
5 animal from motor vehicle; definition
6 A. A PERSON WHO USES REASONABLE FORCE TO ENTER A LOCKED AND
7 UNATTENDED MOTOR VEHICLE TO REMOVE A MINOR OR CONFINED DOMESTIC ANIMAL IS
8 NOT LIABLE FOR ANY DAMAGES IN A CIVIL ACTION IF ALL OF THE FOLLOWING
9 APPLY:
10 1. THE PERSON HAS A GOOD FAITH BELIEF THAT THE MINOR OR CONFINED
11 DOMESTIC ANIMAL IS IN IMMINENT DANGER OF SUFFERING PHYSICAL INJURY OR
12 DEATH UNLESS THE MINOR OR DOMESTIC ANIMAL IS REMOVED FROM THE MOTOR
13 VEHICLE.
14 2. THE PERSON DETERMINES THAT THE MOTOR VEHICLE IS LOCKED OR THERE
15 IS NO REASONABLE MANNER IN WHICH THE PERSON CAN REMOVE THE MINOR OR
16 DOMESTIC ANIMAL FROM THE VEHICLE.
17 3. BEFORE ENTERING THE MOTOR VEHICLE, THE PERSON NOTIFIES A PEACE
18 OFFICER, EMERGENCY MEDICAL SERVICE PROVIDER OR FIRST RESPONDER OR AN
19 ANIMAL CONTROL ENFORCEMENT AGENT OR DEPUTY, IF APPROPRIATE, OF THE MINOR
20 OR CONFINED DOMESTIC ANIMAL.
21 4. THE PERSON DOES NOT USE MORE FORCE THAN IS NECESSARY UNDER THE
22 CIRCUMSTANCES TO ENTER THE MOTOR VEHICLE AND REMOVE THE MINOR OR DOMESTIC
23 ANIMAL FROM THE VEHICLE.
24 5. THE PERSON REMAINS WITH THE MINOR OR DOMESTIC ANIMAL UNTIL THE
25 PERSON WHO IS CONTACTED AS PRESCRIBED IN PARAGRAPH 2 OF THIS SUBSECTION
26 ARRIVES AT THE MOTOR VEHICLE.
27 B. A PERSON IS NOT IMMUNE FROM CIVIL LIABILITY IF THE PERSON FAILS
28 TO ABIDE BY ANY OF THE PROVISIONS OF SUBSECTION A OF THIS SECTION AND
29 COMMITS ANY UNNECESSARY OR MALICIOUS DAMAGE TO THE MOTOR VEHICLE.
30 C. FOR THE PURPOSES OF THIS SECTION, "DOMESTIC ANIMAL" MEANS A DOG,
31 A CAT OR ANOTHER ANIMAL THAT IS DOMESTICATED AND THAT IS KEPT AS A
32 HOUSEHOLD PET.