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Raised Bill 6720
Public Hearing: 2-9-15

TO: MEMBERS OF THE TRANSPORTATION COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)
DATE: FEBRUARY 9, 2015

RE: OPPOSITION TO HB6720, AAC IMMUNITY FOR THOSE ENTERING CARS TO AID CHILDREN

CTLA, while supportive of citizens taking any and all action necessary to save children, opposes this bill because it attempts to immunize private citizens from liability for reasonable actions that would never create liability against them in the first place. Further, the bill would create an unreasonable expansion of our immunity laws, which are only extended to private citizens where there is some broad overarching public benefit.

The law already protects a person who chooses, in good faith to rescue a child from a vehicle when they are acting, at a minimum, as a reasonable person under the circumstances. That person is not liable for his or her reasonable, i.e. non-negligent conduct. This bill, however has such particular, yet subjective requirements that it would not result in any additional benefit to anyone. For example, in order to avail oneself of this proposed bill, a person attempting to forcibly remove a child from the vehicle would have to "maintain a good faith belief that entry into the vehicle is necessary to remove the child from imminent danger"(Raised Bill at line 7 and 8). Proving the "good faith belief" that the entry was necessary would be no different than proving that the conduct was reasonable under traditional tort laws. Thus the statute would not relieve the person of any different burden than he or she would otherwise have. The only way the good faith requirement could be shown would be by presenting the testimony and other evidence to a fact finder (jury or judge). Thus, even in the unlikely event that a lawsuit like this was ever pursued, the rescuer would not be in any better position.

The provisions of this raised bill also require more of the rescuer than simply acting reasonably. The raised bill requires that the person: 1) contact emergency personnel *before* entering the vehicle; 2) *place written notice on the windshield* of the vehicle with identifying information, etc.; 3) remain with the child "in a safe location" and "*reasonably close*" to the vehicle; and 4) use "no more force than necessary" to remove the child from danger. There is simply no scenario where a person who did all of this would be deemed negligent in the first place.

Immunity for private citizens in Connecticut has been reserved for a very few instances where citizens open their property to the public or for public benefit. e.g. CGS § 52-557(f) (Granting immunity to land owners who allow public to use land for recreational purposes); CGS § 52-557(j)(k) (Granting immunity to land owners allowing recreation: snowmobile, motorcycle, etc. and those allowing public to harvest fireworks). The actions covered by this bill do not fit within those limitations. Nothing about our existing law would deter individuals from saving children from vehicles if they believe that child is in danger. If someone is in the process of saving an endangered child in a hot car, they should not have to worry about anything other than helping that child. The jury system will protect them from liability based on evaluating their reasonable conduct under a specific set of circumstances more so than immunity legislation of this type. Juries are fully capable of seeing that a hero, whose actions fell within this bill, is not negligent or liable. The CTLA respectfully contends that this proposal is unnecessary and unworkable.

WE URGE YOU TO OPPOSE HB6720. Thank you.