



Ohio Revised Code

Section 2151.88 Immunity from liability for damage resulting from forcible entry of a motor vehicle for purpose of removing a minor.

Effective: August 31, 2016

Legislation: Senate Bill 215 - 131st General Assembly

(A) Except as provided in division (C) of this section, a person shall be immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a minor from the vehicle if the person does all of the following:

(1) Determines the vehicle is locked or there is otherwise no reasonable method for the minor to exit the vehicle.

(2) Has a good faith belief that forcible entry into the vehicle is necessary because the minor is in imminent danger of suffering harm if not immediately removed from the vehicle and, based upon the circumstances known to the person at the time, the belief is a reasonable one.

(3) Has made a good faith effort to contact the local law enforcement agency, the fire department, or a 9-1-1 operator prior to forcibly entering the vehicle. If contact is not possible prior to forcibly entering the vehicle, the person shall make contact as soon as possible after forcibly entering the vehicle.

(4) Makes a good faith effort to place a notice on the vehicle's windshield with the person's contact information, the reason the entry was made, the location of the minor, and the fact that the authorities have been notified.

(5) Remains with the minor in a safe location until law enforcement or emergency responders arrive.

(6) Used not more force to enter the vehicle and remove the minor from the vehicle than was necessary under the circumstances.

(B) Nothing in this section shall affect the person's civil liability if the person attempts to render aid to the minor in addition to what is authorized by this section.



(C) A person shall not be immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a minor from the vehicle if the person's actions constitute recklessness or willful or wanton misconduct with regard to the forcible entry of the motor vehicle.

(D) As used in this section, "harm" means injury or death.
