



NEW YORK STATE SENATOR

Jack M. Martins

Senator Martins: Protect Good Samaritans Who Rescue an Endangered Child in a Car From Liability

JACK M. MARTINS July 31, 2014

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To help prevent children from dying by being trapped in an overheated car, New York State Senator Jack M. Martins (R-Mineola) has introduced legislation to ensure that Good Samaritans who forcibly enter a car to rescue a child locked inside are exempt from liability. Senator Martins announced the “Child Rescue Act” on July 31st, which is National Heatstroke Prevention Day, at Harbor Child Care in Mineola.

“A car left in the sun literally becomes an oven which gets dangerously hot in a matter of minutes. Children locked inside these vehicles are in a life or death situation, and when someone sees it, we want them to act. Exempting Good Samaritans who break into these vehicles to rescue a trapped child from liability is a common sense step which will help save children’s lives,” said Senator Martins.

Senator Martins’ legislation (S7930) would protect Good Samaritans who forcibly enter a vehicle for the sole purpose of rescuing a young child from any liability. Anyone who forcibly enters the vehicle to rescue a child must also notify 911 or first responders immediately before or after entering the vehicle and remain with the child on-site until help arrives.

According to SafeKids.org, a national non-profit child safety organization, even on a mild 70 degree day, the temperature inside of a car can rise nearly 20 degrees in 10 minutes, and continue to heat up with each passing minute. As a result, car interiors can reach temperatures far exceeding those outside, even if the windows are cracked. A child’s body heats up three to five times faster than an adults, making them especially vulnerable to heat stroke.

“Senator Martins’ legislation recognizes that a child inside a car on a sunny day may quickly be exposed to temperatures exceeding 120 degrees Fahrenheit. This often leads to tragic and significant brain and bodily damage. Immediate action is needed and Senator Martins’ bill can make a life and death difference to a child placed in such a dire circumstance,” said Dr. Warren Rosenfeld, Chief of Pediatrics at Winthrop University Hospital.

These tragedies occur an average of once every nine days in the U.S., according to KidsAndCars.org, a nationally recognized not-for-profit children’s safety organization. Here on Long Island earlier this month, a Maryland man left his two year old daughter locked in

his truck while he shopped at the Walt Whitman Mall. The girl was left alone in the car for twenty minutes until a bystander heard her crying and called the police, who rescued her by breaking into the vehicle. The temperature in the vehicle reached 120 degrees.

"We at Safe Kids do not want to see any child die from heatstroke when unattended in a vehicle. Safe Kids is asking everyone to help protect children from this very preventable tragedy by never leaving a child alone in a car, keeping car doors and the trunk locked when not use, create reminders by putting something in the back of the car that is needed for final destination such a cell phone and take action if you see a child alone in a car by calling 911," said Rosemarie Ennis, Director of New York State Safe Kids and a Mineola resident.

"Consumers Union strongly supports Sen. Jack Martins' proposed Good Samaritan legislation to extend legal protection to people who take emergency action to rescue unattended kids in locked cars," said Chuck Bell, programs director for Consumers Union, publisher of Consumer Reports. "This is smart, practical legislation that can help save lives. Child deaths in hot cars are preventable tragedies which can be sharply reduced through increased public awareness, assertive action by neighbors and passers-by, and new technology."

"I think it's fantastic that Senator Martins is working to move forward with getting a law in New York State that will help protect children left in cars. Many times, people are faced with the situation where they might see a small child in a car and think, 'that's not my business, I don't want to get involved.' When it comes to children, we should all be comfortable with getting involved, because immediate attention can make the difference between life and death. If a bystander's good faith belief is that their actions can help a child, we want to make sure they can render aid without the fear of repercussions," said Janette Fennell, Founder and President of KidsAndCars.org.

“No child should be left alone in a car. Not even for a minute. If a passerby finds a child unattended in a motor vehicle, that person should be able to do what is necessary to ensure the child’s safety,” said Susan Auriemma, a Manhasset resident and Vice President of KidsAndCars.org.

If enacted, New York State would become only the second state in the nation to have a law specifically protecting Good Samaritans in these situations.