

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2276 Session of 2015

INTRODUCED BY BOBACK, ROZZI, SCHLOSSBERG, HICKERNELL, JAMES, D. COSTA, WHEELAND, GIBBONS, DRISCOLL, BULLOCK, YOUNGBLOOD, WHITE, WATSON, McNEILL, A. HARRIS, WARD, READSHAW, TRUITT, PHILLIPS-HILL, KAUFFMAN, MILLARD, O'BRIEN, CONKLIN, KORTZ, RAPP, TOOHL, EVERETT, FARRY, HARHAI, GOODMAN, BARRAR AND PEIFER, AUGUST 5, 2016

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 19, 2016

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in particular rights and
3 immunities, providing for civil immunity for use of force in
4 motor vehicle rescue.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 8340.3. Civil immunity for use of force in motor vehicle
10 rescue.

11 ~~A person who forcibly enters a motor vehicle for the purpose <--~~
12 ~~of removing a minor child from the vehicle shall be immune from~~
13 ~~civil liability for any damage to the motor vehicle if the~~
14 ~~person:~~

15 ~~(1) Has a reasonable belief that forcible entry into the~~
16 ~~vehicle is necessary because the minor child is in imminent~~

1 ~~danger of suffering harm if not immediately removed from the~~
2 ~~vehicle.~~

3 ~~(2) Determines the vehicle is locked or there is~~
4 ~~otherwise no reasonable method for the minor child to exit~~
5 ~~the vehicle.~~

6 ~~(3) Prior to forcibly entering the vehicle, contacts or~~
7 ~~attempts to contact law enforcement or emergency responders.~~

8 (A) GENERAL RULE.--A PERSON SHALL BE IMMUNE FROM CIVIL <--
9 LIABILITY FOR ANY DAMAGE RESULTING FROM THE FORCIBLE ENTRY OF A
10 MOTOR VEHICLE FOR THE PURPOSE OF REMOVING AN INDIVIDUAL FROM THE
11 VEHICLE IF THE PERSON:

12 (1) DETERMINES THAT THE VEHICLE IS LOCKED OR THERE IS
13 OTHERWISE NO REASONABLE METHOD FOR THE INDIVIDUAL INSIDE TO
14 EXIT THE VEHICLE.

15 (2) HAS A GOOD-FAITH BELIEF THAT FORCIBLE ENTRY INTO THE
16 VEHICLE IS NECESSARY BECAUSE THE INDIVIDUAL IS IN IMMINENT
17 DANGER OF SUFFERING HARM IF NOT IMMEDIATELY REMOVED FROM THE
18 VEHICLE AND, BASED UPON THE CIRCUMSTANCES KNOWN TO THE PERSON
19 AT THE TIME, THE BELIEF IS A REASONABLE ONE.

20 (3) MAKES A GOOD-FAITH EFFORT TO CONTACT LAW
21 ENFORCEMENT, THE FIRE DEPARTMENT OR A 911 OPERATOR PRIOR TO
22 FORCIBLY ENTERING THE VEHICLE. IF CONTACT IS NOT POSSIBLE
23 PRIOR TO FORCIBLY ENTERING THE VEHICLE, THE PERSON SHALL MAKE
24 CONTACT AS SOON AS REASONABLY POSSIBLE AFTER FORCIBLY
25 ENTERING THE VEHICLE.

26 (4) USES NO MORE FORCE THAN NECESSARY UNDER THE
27 CIRCUMSTANCES TO ENTER THE VEHICLE AND REMOVE THE INDIVIDUAL
28 FROM THE VEHICLE.

29 (5) MAKES A GOOD-FAITH EFFORT TO PLACE A NOTICE ON THE
30 VEHICLE'S WINDSHIELD WITH THE PERSON'S CONTACT INFORMATION,

1 THE REASON THE ENTRY WAS MADE, THE LOCATION OF THE INDIVIDUAL
2 WHO WAS REMOVED FROM THE VEHICLE AND THE FACT THAT THE
3 AUTHORITIES HAVE BEEN NOTIFIED.

4 (6) REMAINS WITH THE INDIVIDUAL IN A SAFE LOCATION UNTIL
5 LAW ENFORCEMENT OR EMERGENCY RESPONDERS ARRIVE.

6 (B) EXCEPTIONS.--A PERSON SHALL NOT BE IMMUNE FROM CIVIL
7 LIABILITY FOR ANY DAMAGE RESULTING FROM THE FORCIBLE ENTRY IF
8 THE PERSON'S ACTIONS CONSTITUTE GROSS NEGLIGENCE, RECKLESSNESS
9 OR WILLFUL OR WANTON MISCONDUCT WITH REGARD TO THE FORCIBLE
10 ENTRY OF THE MOTOR VEHICLE.

11 Section 2. This act shall take effect in 60 days.