

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 986 Session of 2015

INTRODUCED BY PILEGGI, RAFFERTY, VULAKOVICH, VANCE, AUMENT, BARTOLOTTA, FOLMER, BLAKE, WHITE, BOSCOLA, BREWSTER, COSTA, FONTANA, DINNIMAN, SABATINA, TARTAGLIONE, HUGHES, WARD AND BROWNE, AUGUST 25, 2015

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, NOVEMBER 17, 2015

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for civil
3 immunity of person rescuing minor from motor vehicle.

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

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

8 § 8332.9. Civil immunity of person rescuing minor from motor
9 vehicle.

10 (a) General rule.--A person who removes or attempts to
11 remove a minor from a motor vehicle shall be immune from civil
12 liability for any damage TO THE VEHICLE OR PROPERTY CONTAINED <--
13 THEREIN resulting from the removal or attempt if the person:

14 (1) Determines that the motor vehicle is locked or no
15 reasonable method exists for the minor to exit the motor
16 vehicle.

17 (2) Has a reasonable and good faith belief that forcible

1 entry into the motor vehicle is necessary because the minor
2 is in imminent danger of suffering harm if not immediately
3 removed from the motor vehicle.

4 (3) Contacts any of the following before the removal or
5 attempt occurs, if practicable, or as soon as possible after
6 the removal or attempt occurs:

7 (i) The local law enforcement agency.

8 (ii) The fire department.

9 (iii) A 911 emergency service operator.

10 (4) Remains with the minor at a safe location near the
11 motor vehicle until a law enforcement officer arrives.

12 (5) Uses no more force than necessary for the removal or
13 attempt.

14 (b) Exceptions.--Subsection (a) does not grant immunity from
15 civil liability to a person who:

16 (1) renders aid to a minor beyond what is authorized
17 under subsection (a); or

18 (2) exercises gross negligence or willful or wanton
19 misconduct in the removal of or attempt to remove the minor
20 from the motor vehicle.

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