
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1152 Session of
2017

INTRODUCED BY BOBACK, WHEELAND, MILLARD, WATSON, KAUFFMAN,
O'NEILL, McNEILL, V. BROWN, BARRAR, O'BRIEN, D. COSTA,
BULLOCK, NEILSON, ROZZI, MURT, READSHAW, IRVIN, GOODMAN,
WARD, CONKLIN, COX, GABLER, FREEMAN, GILLEN AND FARRY,
APRIL 12, 2017

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 12, 2017

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) General rule.--A person shall be immune from civil
12 liability for any damage resulting from the forcible entry of a
13 motor vehicle for the purpose of removing an individual from the
14 vehicle if the person:

15 (1) Determines that the vehicle is locked or there is
16 otherwise no reasonable method for the individual inside to
17 exit the vehicle.

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

6 (3) Makes a good-faith effort to contact law
7 enforcement, the fire department or a 911 operator prior to
8 forcibly entering the vehicle. If contact is not possible
9 prior to forcibly entering the vehicle, the person shall make
10 contact as soon as reasonably possible after forcibly
11 entering the vehicle.

12 (4) Uses no more force than necessary under the
13 circumstances to enter the vehicle and remove the individual
14 from the vehicle.

15 (5) Makes a good-faith effort to place a notice on the
16 vehicle's windshield with the person's contact information,
17 the reason the entry was made, the location of the individual
18 who was removed from the vehicle and the fact that the
19 authorities have been notified.

20 (6) Remains with the individual in a safe location until
21 law enforcement or emergency responders arrive.

22 (b) Exceptions.--A person shall not be immune from civil
23 liability for any damage resulting from the forcible entry if
24 the person's actions constitute gross negligence, recklessness
25 or willful or wanton misconduct with regard to the forcible
26 entry of the motor vehicle.

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