

JUDICIAL CODE (42 PA.C.S.) - RESCUE FROM MOTOR VEHICLE

Act of May 15, 2019, P.L. 27, No. 5

Cl. 42

Session of 2019

No. 2019-5

HB 279

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in particular rights and immunities, further providing for rescue from motor vehicle.

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

Section 1. Section 8340.3 of Title 42 of the Pennsylvania Consolidated Statutes, added October 24, 2018 (P.L.685, No.104), is amended to read:

§ 8340.3. Rescue from motor vehicle.

(a) [(Reserved).] **Rescue of individual.--No person shall be liable for damage to a motor vehicle or the contents thereof caused by entry into the motor vehicle for the purpose of removing an individual from the motor vehicle, if the person:**

(1) **Has a good faith, reasonable belief that the individual is in imminent danger of suffering harm if not immediately removed from the motor vehicle.**

(2) **Determines that the individual is unable to exit the motor vehicle without assistance.**

(3) **Makes a reasonable effort to locate the driver of the motor vehicle and to contact law enforcement, a fire department or other emergency responder prior to entry. If the driver is not located and such contact is not possible prior to entering the motor vehicle, the person shall contact law enforcement, a fire department or other emergency responder as soon as reasonably possible after entering the motor vehicle.**

(4) **Uses no more force than necessary under the circumstances to enter the motor vehicle.**

(5) **Makes a good faith effort to leave notice on or in the motor vehicle stating the reason the entry was made, the location of the individual who was removed from the motor vehicle and, if possible, identifying the police or fire department or other emergency responder that is expected to respond.**

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

(b) **Rescue of dog or cat.--No law enforcement officer, animal control officer, humane society police officer or emergency responder, or the employer of a law enforcement officer, humane society police officer or emergency responder, shall be liable for damage to a motor vehicle or the contents thereof caused by entry into the motor vehicle for the purpose of removing a dog or cat, if the law enforcement officer, humane society police officer or emergency responder does all of the following:**

(1) **Has a good-faith, reasonable belief that the dog or cat is in imminent danger of suffering harm if not immediately removed from the motor vehicle.**

(2) Makes a reasonable effort to locate the driver of the motor vehicle prior to entry.

(3) Takes reasonable steps to ensure or restore the well-being of the dog or cat.

(4) Uses no more force than necessary under the circumstances to enter the motor vehicle.

(5) Leaves notice on or in the motor vehicle stating the reason entry was made, the name of the person and of the person's employer, a telephone number and, if possible, the location where the dog or cat may be retrieved.

(c) Limitation.--A person shall not be immune from civil liability for damage resulting from the entry if the person's actions constitute gross negligence, recklessness or willful or wanton misconduct.

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

APPROVED--The 15th day of April, A.D. 2019.

TOM WOLF