

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 279 Session of 2019

INTRODUCED BY BOBACK, PICKETT, RYAN, GREINER, DIAMOND, MILLARD, ISAACSON, McNEILL, DOWLING, OTTEN, KORTZ, STRUZZI, WARREN, MURT, JOZWIAK, READSHAW, BROWN, HILL-EVANS, CIRESI, OWLETT, IRVIN, KAUFER, NEILSON, TOOHL, GILLEN AND FARRY, JANUARY 29, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 8, 2019

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in particular rights and
3 immunities, FURTHER providing for rescue 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 § 8340.4. Rescue from motor vehicle.

9 No person shall be liable for damage to a motor vehicle or

10 SECTION 1. SECTION 8340.3 OF TITLE 42 OF THE PENNSYLVANIA <--
11 CONSOLIDATED STATUTES, ADDED OCTOBER 24, 2018 (P.L.685, NO.104),
12 IS AMENDED TO READ:

13 § 8340.3. RESCUE FROM MOTOR VEHICLE.

14 (A) [(RESERVED).] RESCUE OF INDIVIDUAL.--NO PERSON SHALL BE
15 LIABLE FOR DAMAGE TO A MOTOR VEHICLE OR the contents thereof
16 caused by entry into the motor vehicle for the purpose of

1 removing an individual from the motor vehicle, if the person:

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

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

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

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

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

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

25 (B) RESCUE OF DOG OR CAT.--NO LAW ENFORCEMENT OFFICER, <--
26 ANIMAL CONTROL OFFICER, HUMANE SOCIETY POLICE OFFICER OR
27 EMERGENCY RESPONDER, OR THE EMPLOYER OF A LAW ENFORCEMENT
28 OFFICER, HUMANE SOCIETY POLICE OFFICER OR EMERGENCY RESPONDER,
29 SHALL BE LIABLE FOR DAMAGE TO A MOTOR VEHICLE OR THE CONTENTS
30 THEREOF CAUSED BY ENTRY INTO THE MOTOR VEHICLE FOR THE PURPOSE

1 OF REMOVING A DOG OR CAT, IF THE LAW ENFORCEMENT OFFICER, HUMANE
2 SOCIETY POLICE OFFICER OR EMERGENCY RESPONDER DOES ALL OF THE
3 FOLLOWING:

4 (1) HAS A GOOD-FAITH, REASONABLE BELIEF THAT THE DOG OR
5 CAT IS IN IMMINENT DANGER OF SUFFERING HARM IF NOT
6 IMMEDIATELY REMOVED FROM THE MOTOR VEHICLE.

7 (2) MAKES A REASONABLE EFFORT TO LOCATE THE DRIVER OF
8 THE MOTOR VEHICLE PRIOR TO ENTRY.

9 (3) TAKES REASONABLE STEPS TO ENSURE OR RESTORE THE
10 WELL-BEING OF THE DOG OR CAT.

11 (4) USES NO MORE FORCE THAN NECESSARY UNDER THE
12 CIRCUMSTANCES TO ENTER THE MOTOR VEHICLE.

13 (5) LEAVES NOTICE ON OR IN THE MOTOR VEHICLE STATING THE
14 REASON ENTRY WAS MADE, THE NAME OF THE PERSON AND OF THE
15 PERSON'S EMPLOYER, A TELEPHONE NUMBER AND, IF POSSIBLE, THE
16 LOCATION WHERE THE DOG OR CAT MAY BE RETRIEVED.

17 (C) LIMITATION.--A PERSON SHALL NOT BE IMMUNE FROM CIVIL
18 LIABILITY FOR DAMAGE RESULTING FROM THE ENTRY IF THE PERSON'S
19 ACTIONS CONSTITUTE GROSS NEGLIGENCE, RECKLESSNESS OR WILLFUL OR
20 WANTON MISCONDUCT.

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