
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 49 Session of
2019

INTRODUCED BY KILLION, BARTOLOTTA, BLAKE, BREWSTER, BROWNE,
DINNIMAN, FOLMER, KEARNEY, MENSCH, PHILLIPS-HILL,
SANTARSIERO, TARTAGLIONE AND K. WARD, JANUARY 29, 2019

REFERRED TO JUDICIARY, JANUARY 29, 2019

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 of person rescuing
4 minor from motor vehicle.

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

11 (a) General rule.--A person who removes or attempts to
12 remove a minor from a motor vehicle shall be immune from civil
13 liability for any damage to the motor vehicle or property
14 contained in the motor vehicle resulting from the removal or
15 attempt if the person:

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

1 (2) Has a reasonable and good faith belief that forcible
2 entry into the motor vehicle is necessary because the minor
3 is in imminent danger of suffering harm if not immediately
4 removed from the motor vehicle.

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

8 (i) The local law enforcement agency.

9 (ii) The fire department.

10 (iii) A 911 emergency service operator.

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

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

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

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

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

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