

P.L. 2017, CHAPTER 373, *approved January 16, 2018*
Assembly, No. 4079 (*First Reprint*)

1 AN ACT concerning persons who forcibly enter motor vehicles
2 supplementing Title 2A of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. Notwithstanding any provisions of law to the contrary, a
8 person shall not be liable for any ¹property¹ damages arising out of
9 and in the course of forcibly entering a motor vehicle for the purpose
10 of removing a child left unattended and unsupervised in the vehicle.
11 The immunity granted pursuant to this subsection shall not apply to
12 any person causing damage to a motor vehicle as a result of
13 recklessness or willful misconduct.

14 b. The provisions of subsection a. of this section shall apply if the
15 person:

16 (1) determines that the motor vehicle is locked or there is no
17 reasonable method to remove a child from the vehicle;

18 (2) has a reasonable good faith belief that forcible entry into the
19 motor vehicle is necessary because the child is in imminent danger of
20 death or serious bodily injury if not immediately removed from the
21 vehicle;

22 (3) contacts the local law enforcement agency, the fire department,
23 emergency medical services personnel, or 9-1-1 emergency telephone
24 service for assistance prior to forcibly entering the motor vehicle for
25 purposes of removing the child;

26 (4) places written notification on the motor vehicle's windshield
27 with the person's contact information, reason why entry into the
28 vehicle was made, the location of the child, and that law enforcement,
29 the fire department, emergency medical services personnel, or 9-1-1
30 emergency telephone service has been contacted;

31 (5) remains with the child in a safe location reasonably close to the
32 motor vehicle until local law enforcement, the fire department, or
33 emergency medical personnel arrives;

34 (6) uses no more force than is necessary to enter and remove the
35 child from the motor vehicle; and

36 (7) attempts to render aid to the child in addition to the assistance
37 authorized pursuant to this act.

38

39 2. This act shall take effect immediately.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted January 5, 2018.

A4079 [1R]

1

2

3

4

Provides civil immunity to persons who forcibly enter motor vehicles to remove unattended and unsupervised children.

ASSEMBLY, No. 4079

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED SEPTEMBER 15, 2016

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblywoman BETTYLOU DECROCE

District 26 (Essex, Morris and Passaic)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblyman Conaway

SYNOPSIS

Provides civil immunity to persons who forcibly enter motor vehicles to remove unattended and unsupervised children.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/20/2016)

1 AN ACT concerning persons who forcibly enter motor vehicles
2 supplementing Title 2A of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. Notwithstanding any provisions of law to the contrary, a
8 person shall not be liable for any damages arising out of and in the
9 course of forcibly entering a motor vehicle for the purpose of
10 removing a child left unattended and unsupervised in the vehicle.
11 The immunity granted pursuant to this subsection shall not apply to
12 any person causing damage to a motor vehicle as a result of
13 recklessness or willful misconduct.

14 b. The provisions of subsection a. of this section shall apply if
15 the person:

16 (1) determines that the motor vehicle is locked or there is no
17 reasonable method to remove a child from the vehicle;

18 (2) has a reasonable good faith belief that forcible entry into the
19 motor vehicle is necessary because the child is in imminent danger
20 of death or serious bodily injury if not immediately removed from
21 the vehicle;

22 (3) contacts the local law enforcement agency, the fire
23 department, emergency medical services personnel, or 9-1-1
24 emergency telephone service for assistance prior to forcibly
25 entering the motor vehicle for purposes of removing the child;

26 (4) places written notification on the motor vehicle's windshield
27 with the person's contact information, reason why entry into the
28 vehicle was made, the location of the child, and that law
29 enforcement, the fire department, emergency medical services
30 personnel, or 9-1-1 emergency telephone service has been
31 contacted;

32 (5) remains with the child in a safe location reasonably close to
33 the motor vehicle until local law enforcement, the fire department,
34 or emergency medical personnel arrives;

35 (6) uses no more force than is necessary to enter and remove the
36 child from the motor vehicle; and

37 (7) attempts to render aid to the child in addition to the
38 assistance authorized pursuant to this act.

39

40 2. This act shall take effect immediately.

41

42

43

STATEMENT

44

45 This bill stipulates that a person would not be held liable for any
46 damages arising out of and in the course of forcibly entering a
47 motor vehicle for the purpose of removing a child left unattended
48 and unsupervised in the vehicle. The immunity granted pursuant to

A4079 LAMPITT, MOSQUERA

1 the bill would not apply to any person causing damage to a motor
2 vehicle as a result of recklessness or willful misconduct.

3 Specifically, a person could not be liable for any damages
4 resulting from forcibly entering a motor vehicle and removing an
5 unattended and unsupervised child from the vehicle if the person:
6 determines that the motor vehicle is locked or there is no other
7 reasonable method to remove the child from the vehicle; has a
8 reasonable good faith belief that forcible entry into the vehicle is
9 necessary because the child is in imminent danger of death or
10 serious bodily injury if not immediately removed from the vehicle;
11 contacts the local law enforcement agency or the fire department,
12 emergency medical services personnel, or 9-1-1 emergency
13 telephone service for assistance prior to entering and removing the
14 child from the vehicle; places written notification on the motor
15 vehicle's windshield with the person's contact information, reason
16 why entry into the vehicle was made, the location of the child, and
17 that law enforcement, the fire department, emergency medical
18 personnel, or 9-1-1 has been contacted; remains with the child in a
19 safe location reasonably close to the vehicle until local law
20 enforcement, the fire department, or emergency medical personnel
21 arrives; uses no more force than is necessary to enter and remove
22 the child from the vehicle; and attempts to render aid to the child in
23 addition to the assistance authorized in the bill.

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4079

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 2016

The Assembly Women and Children Committee reports favorably Assembly Bill No. 4079.

This bill stipulates that a person would not be held liable for any damages arising out of and in the course of forcibly entering a motor vehicle for the purpose of removing a child left unattended and unsupervised in the vehicle. The immunity granted pursuant to the bill would not apply to any person causing damage to a motor vehicle as a result of recklessness or willful misconduct.

Specifically, a person could not be liable for any damages resulting from forcibly entering a motor vehicle and removing an unattended and unsupervised child from the vehicle if the person: determines that the motor vehicle is locked or there is no other reasonable method to remove the child from the vehicle; has a reasonable good faith belief that forcible entry into the vehicle is necessary because the child is in imminent danger of death or serious bodily injury if not immediately removed from the vehicle; contacts the local law enforcement agency or the fire department, emergency medical services personnel, or 9-1-1 emergency telephone service for assistance prior to entering and removing the child from the vehicle; places written notification on the motor vehicle's windshield with the person's contact information, reason why entry into the vehicle was made, the location of the child, and that law enforcement, the fire department, emergency medical personnel, or 9-1-1 has been contacted; remains with the child in a safe location reasonably close to the vehicle until local law enforcement, the fire department, or emergency medical personnel arrives; uses no more force than is necessary to enter and remove the child from the vehicle; and attempts to render aid to the child in addition to the assistance authorized in the bill.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4079

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 5, 2018

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 4079, with committee amendments.

As amended, this bill provides that a person is not to be held liable for any property damages arising out of and in the course of forcibly entering a motor vehicle for the purpose of removing a child left unattended and unsupervised in the vehicle. The immunity granted by the bill does not apply to any person causing damage to a motor vehicle as a result of recklessness or willful misconduct.

Under the bill, a person could not be liable for any property damages resulting from forcibly entering a motor vehicle and removing an unattended and unsupervised child from the vehicle if the person:

- determines that the motor vehicle is locked or there is no other reasonable method to remove the child from the vehicle;

- has a reasonable good faith belief that forcible entry into the vehicle is necessary because the child is in imminent danger of death or serious bodily injury if not immediately removed from the vehicle;

- contacts the local law enforcement agency or the fire department, emergency medical services personnel, or 9-1-1 emergency telephone service for assistance prior to entering and removing the child from the vehicle;

- places written notification on the motor vehicle's windshield with the person's contact information, reason why entry into the vehicle was made, the location of the child, and that law enforcement, the fire department, emergency medical personnel, or 9-1-1 has been contacted;

- remains with the child in a safe location reasonably close to the vehicle until local law enforcement, the fire department, or emergency medical personnel arrives;

- uses no more force than is necessary to enter and remove the child from the vehicle; and

- attempts to render aid to the child in addition to the assistance authorized by the bill.

COMMITTEE AMENDMENTS:

The amendments clarify that the bill's immunity from liability is limited to damages *to property* arising out of and in the course of forcibly entering a motor vehicle to remove an unattended and unsupervised child.

FISCAL IMPACT:

This bill has not been certified as requiring a Fiscal Note.