

CHAPTER 373

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

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

C.2A:62A-35 Immunity from liability for property damages for entering a motor vehicle to remove an unattended, unsupervised child.

1. a. Notwithstanding any provisions of law to the contrary, a person shall not be 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 pursuant to this subsection shall not apply to any person causing damage to a motor vehicle as a result of recklessness or willful misconduct.

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

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

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

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

(4) 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 services personnel, or 9-1-1 emergency telephone service has been contacted;

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

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

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

2. This act shall take effect immediately.

Approved January 16, 2018.