

1 AN ACT

2 relating to civil liability for removing certain individuals from a
3 motor vehicle.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Title 4, Civil Practice and Remedies Code, is
6 amended by adding Chapter 92A to read as follows:

7 CHAPTER 92A. LIMITATION OF LIABILITY FOR REMOVING CERTAIN
8 INDIVIDUALS FROM MOTOR VEHICLE

9 Sec. 92A.001. DEFINITIONS. In this chapter:

10 (1) "Motor vehicle" means a vehicle that is
11 self-propelled or a trailer or semitrailer designed for use with a
12 self-propelled vehicle.

13 (2) "Vulnerable individual" means:

14 (A) a child younger than seven years of age; or

15 (B) an individual who by reason of age or
16 physical or mental disease, defect, or injury is substantially
17 unable to protect the individual's self from harm.

18 Sec. 92A.002. LIMITATION OF LIABILITY. A person who, by
19 force or otherwise, enters a motor vehicle for the purpose of
20 removing a vulnerable individual from the vehicle is immune from
21 civil liability for damages resulting from that entry or removal if
22 the person:

23 (1) determines that:

24 (A) the motor vehicle is locked; or

1 (B) there is no reasonable method for the
2 individual to exit the motor vehicle without assistance;

3 (2) has a good faith and reasonable belief, based on
4 known circumstances, that entry into the motor vehicle is necessary
5 to avoid imminent harm to the individual;

6 (3) before entering the motor vehicle, ensures that
7 law enforcement is notified or 911 is called if the person is not a
8 law enforcement officer or other first responder;

9 (4) uses no more force to enter the motor vehicle and
10 remove the individual than is necessary; and

11 (5) remains with the individual in a safe location
12 that is in reasonable proximity to the motor vehicle until a law
13 enforcement officer or other first responder arrives.

14 Sec. 92A.003. EFFECT ON OTHER LAWS. This chapter does not
15 affect limitation under Section [74.151](#) or [74.152](#) of a person's
16 liability for good faith administration of emergency care.

17 SECTION 2. Chapter 92A, Civil Practice and Remedies Code,
18 as added by this Act, applies only to a cause of action that accrues
19 on or after the effective date of this Act.

20 SECTION 3. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 478 was passed by the House on May 8, 2017, by the following vote: Yeas 145, Nays 1, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 478 on May 24, 2017, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 478 was passed by the Senate, with amendments, on May 23, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor