

1-1 By: Israel, et al. (Senate Sponsor - Uresti) H.B. No. 478
 1-2 (In the Senate - Received from the House May 8, 2017;
 1-3 May 9, 2017, read first time and referred to Committee on State
 1-4 Affairs; May 19, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 1;
 1-6 May 19, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 478 By: Huffman

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to civil liability for removing certain individuals from a
 1-22 motor vehicle.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Title 4, Civil Practice and Remedies Code, is
 1-25 amended by adding Chapter 92A to read as follows:

1-26 CHAPTER 92A. LIMITATION OF LIABILITY FOR REMOVING CERTAIN
 1-27 INDIVIDUALS FROM MOTOR VEHICLE

1-28 Sec. 92A.001. DEFINITIONS. In this chapter:

1-29 (1) "Motor vehicle" means a vehicle that is
 1-30 self-propelled or a trailer or semitrailer designed for use with a
 1-31 self-propelled vehicle.

1-32 (2) "Vulnerable individual" means:

1-33 (A) a child younger than seven years of age; or

1-34 (B) an individual who by reason of age or
 1-35 physical or mental disease, defect, or injury is substantially
 1-36 unable to protect the individual's self from harm.

1-37 Sec. 92A.002. LIMITATION OF LIABILITY. A person who, by
 1-38 force or otherwise, enters a motor vehicle for the purpose of
 1-39 removing a vulnerable individual from the vehicle is immune from
 1-40 civil liability for damages resulting from that entry or removal if
 1-41 the person:

1-42 (1) determines that:

1-43 (A) the motor vehicle is locked; or

1-44 (B) there is no reasonable method for the
 1-45 individual to exit the motor vehicle without assistance;

1-46 (2) has a good faith and reasonable belief, based on
 1-47 known circumstances, that entry into the motor vehicle is necessary
 1-48 to avoid imminent harm to the individual;

1-49 (3) before entering the motor vehicle, ensures that
 1-50 law enforcement is notified or 911 is called if the person is not a
 1-51 law enforcement officer or other first responder;

1-52 (4) uses no more force to enter the motor vehicle and
 1-53 remove the individual than is necessary; and

1-54 (5) remains with the individual in a safe location
 1-55 that is in reasonable proximity to the motor vehicle until a law
 1-56 enforcement officer or other first responder arrives.

1-57 Sec. 92A.003. EFFECT ON OTHER LAWS. This chapter does not
 1-58 affect limitation under Section 74.151 or 74.152 of a person's
 1-59 liability for good faith administration of emergency care.

1-60 SECTION 2. Chapter 92A, Civil Practice and Remedies Code,

2-1 as added by this Act, applies only to a cause of action that accrues
2-2 on or after the effective date of this Act.

2-3 SECTION 3. This Act takes effect September 1, 2017.

2-4

* * * * *