AN ACT

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

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

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

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

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

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

(2) "Vulnerable individual" means:

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

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

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

(1) determines that:

(A) the motor vehicle is locked; or
(B) there is no reasonable method for the
individual to exit the motor vehicle without assistance;

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

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

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

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

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

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

SECTION 3. This Act takes effect September 1, 2017.
H.B. No. 478

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