

By: Leach

H.B. No. 4218

A BILL TO BE ENTITLED

AN ACT

relating to liability related to a duty to retrofit certain rented or leased motor vehicles with safety devices.

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

SECTION 1. Chapter 82, Civil Practice and Remedies Code, is amended by adding Section 82.009 to read as follows:

Sec. 82.009. LIMITED LIABILITY FOR FAILURE TO RETROFIT CERTAIN RENTED OR LEASED VEHICLES. (a) In this section, "retrofit" means to install new equipment or component parts that were not included in a motor vehicle when the vehicle was manufactured or sold. The term does not include:

(1) routine maintenance; or

(2) repairs to the vehicle:

(A) as a result of wear and tear; or

(B) required by damage resulting from an accident or other cause.

(b) This section applies only to a motor vehicle:

(1) that has a gross vehicle weight rating or gross vehicle weight of at least 6,000 pounds;

(2) that is governed by 49 U.S.C. Section 30106; and

(3) that is not a motor vehicle that was manufactured primarily for use in the transportation of not more than 10 individuals.

(c) Except as provided by Subsection (d), in any civil

1 action, including a products liability action, alleging
2 negligence, gross negligence, or strict liability, a seller who
3 rents or leases a motor vehicle to which this section applies to
4 another person is not liable for failing to retrofit the vehicle
5 with component parts or equipment, or for failing to select
6 component parts or equipment included in the vehicle, that were not
7 required by applicable federal motor vehicle safety standards under
8 49 C.F.R. Section 571.1 et seq. in effect at the time the vehicle
9 was manufactured or sold.

10 (d) Subsection (c) does not apply if the seller fails to
11 comply with a law or regulation, issued after the seller's motor
12 vehicle was manufactured or sold, requiring a mandatory recall or
13 retrofit of the vehicle.

14 SECTION 2. The change in law made by this Act applies only
15 to a cause of action that accrues on or after the effective date of
16 this Act.

17 SECTION 3. This Act takes effect September 1, 2023.