

1-1 By: Leach (Senate Sponsor - Middleton) H.B. No. 4218  
 1-2 (In the Senate - Received from the House May 5, 2023;  
 1-3 May 9, 2023, read first time and referred to Committee on State  
 1-4 Affairs; May 15, 2023, reported favorably by the following vote:  
 1-5 Yeas 8, Nays 0; May 15, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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			X	

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

1-21 relating to liability related to a duty to retrofit certain rented  
 1-22 or leased motor vehicles with safety devices.

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

1-24 SECTION 1. Chapter 82, Civil Practice and Remedies Code, is  
 1-25 amended by adding Section 82.009 to read as follows:

1-26 Sec. 82.009. LIMITED LIABILITY FOR FAILURE TO RETROFIT  
 1-27 CERTAIN RENTED OR LEASED VEHICLES. (a) In this section, "retrofit"  
 1-28 means to install new equipment or component parts that were not  
 1-29 included in a motor vehicle when the vehicle was manufactured or  
 1-30 sold. The term does not include:

- 1-31 (1) routine maintenance; or
- 1-32 (2) repairs to the vehicle:
  - 1-33 (A) as a result of wear and tear; or
  - 1-34 (B) required by damage resulting from an accident

- 1-35 or other cause.
- 1-36 (b) This section applies only to a motor vehicle:
  - 1-37 (1) that has a gross vehicle weight rating or gross
  - 1-38 vehicle weight of at least 6,000 pounds;
  - 1-39 (2) that is governed by 49 U.S.C. Section 30106; and
  - 1-40 (3) that is not a motor vehicle that was manufactured
  - 1-41 primarily for use in the transportation of not more than 10
  - 1-42 individuals.

1-43 (c) Except as provided by Subsection (d), in any civil  
 1-44 action, including a products liability action, alleging  
 1-45 negligence, gross negligence, or strict liability, a seller who  
 1-46 rents or leases a motor vehicle to which this section applies to  
 1-47 another person is not liable for failing to retrofit the vehicle  
 1-48 with component parts or equipment, or for failing to select  
 1-49 component parts or equipment included in the vehicle, that were not  
 1-50 required by applicable federal motor vehicle safety standards under  
 1-51 49 C.F.R. Section 571.1 et seq. in effect at the time the vehicle  
 1-52 was manufactured or sold.

1-53 (d) Subsection (c) does not apply if the seller fails to  
 1-54 comply with a law or regulation, issued after the seller's motor  
 1-55 vehicle was manufactured or sold, requiring a mandatory recall or  
 1-56 retrofit of the vehicle.

1-57 SECTION 2. The change in law made by this Act applies only  
 1-58 to a cause of action that accrues on or after the effective date of  
 1-59 this Act.

1-60 SECTION 3. This Act takes effect September 1, 2023.

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