

By: Gallego

H.B. No. 907

A BILL TO BE ENTITLED

AN ACT

1
2 relating to limiting the liability of certain persons for the
3 inspection, installation, or adjustment of child passenger safety
4 seat systems.

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

6 SECTION 1. Chapter 45, Health and Safety Code, is amended by
7 adding Section 45.004 to read as follows:

8 Sec. 45.004. LIMITATION ON LIABILITY FOR CHILD PASSENGER
9 SAFETY TECHNICIANS AND SPONSORS. (a) In this section:

10 (1) "Child passenger safety technician" means an
11 individual certified as a child passenger safety technician or
12 technician instructor by the National Highway Traffic Safety
13 Administration or an entity designated by the National Highway
14 Traffic Safety Administration.

15 (2) "Sponsoring organization" means a person that:

16 (A) employs a child passenger safety technician;

17 (B) offers or arranges a free child safety seat
18 system checkup or fitting station program for the general public;
19 or

20 (C) owns property on which a free child safety
21 seat system checkup or fitting station program for the general
22 public takes place.

23 (b) A child passenger safety technician or a sponsoring
24 organization is not liable for damages arising from an act or

1 omission that occurs solely in the inspection, installation, or
2 adjustment of a child passenger safety seat system in a motor
3 vehicle or in giving advice or assistance relating to the
4 installation or adjustment of the system if:

5 (1) the technician acts in good faith and within the
6 scope of the training for which the technician is certified;

7 (2) the act or omission is not grossly negligent or the
8 result of wilful or wanton misconduct; and

9 (3) the inspection, installation, or adjustment of the
10 system or the advice or assistance:

11 (A) is provided without fee or charge to the
12 owner or operator of the motor vehicle; and

13 (B) is not provided in conjunction with the
14 for-profit sale of the system or a component of the system.

15 SECTION 2. The heading to Chapter 45, Health and Safety
16 Code, is amended to read as follows:

17 CHAPTER 45. [~~DISTRIBUTION OF~~] CHILD PASSENGER SAFETY SEAT SYSTEMS

18 SECTION 3. This Act takes effect September 1, 2003, and
19 applies only to a cause of action that accrues on or after that
20 date. An action that accrued before the effective date of this Act
21 is governed by the law applicable to the action immediately before
22 the effective date of this Act, and that law is continued in effect
23 for that purpose.