

By: Van Arsdale

H.B. No. 105

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the liability of a parent or other person who has the  
3 duty of control and reasonable discipline of a child for certain  
4 conduct of the child.

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

6 SECTION 1. Chapter 41, Family Code, is amended by adding  
7 Section 41.0026 to read as follows:

8 Sec. 41.0026. DAMAGES ARISING FROM OPERATION OF MOTOR  
9 VEHICLE. (a) In this section, "motor vehicle" means a motor  
10 vehicle the operation of which is prohibited unless financial  
11 responsibility is established for the vehicle under Section  
12 601.051, Transportation Code.

13 (b) In addition to any liability under Section 41.001, a  
14 parent or other person who has the duty of control and reasonable  
15 discipline of a child is liable for damages other than property  
16 damage proximately caused by:

17 (1) the negligent conduct of the child in the  
18 operation of a motor vehicle if the conduct is reasonably  
19 attributable to the negligent failure of the parent or other person  
20 to exercise that duty; or

21 (2) if the child is at least 10 years of age but under  
22 18 years of age, the wilful and malicious conduct of the child in  
23 the operation of a motor vehicle.

24 (c) A parent or other person who has the duty of control and

1 reasonable discipline of a child is liable in the amounts described  
2 by Section 601.072(a), Transportation Code, for damages  
3 proximately caused by the negligent conduct of the child in the  
4 operation of a motor vehicle if:

5 (1) the child's conduct is not attributable to the  
6 negligent failure of the parent or other person to exercise that  
7 duty;

8 (2) the motor vehicle:

9 (A) belongs to the child or to the person with the  
10 duty of control and reasonable discipline of the child or another  
11 member of that person's household; or

12 (B) was, at the time of the conduct, operated by  
13 the child with that person's knowledge or permission; and

14 (3) the damages are not covered by financial  
15 responsibility required by Section 601.051, Transportation Code.

16 SECTION 2. The change in law made by this Act applies only  
17 to a cause of action that accrues on or after the effective date of  
18 this Act. A cause of action that accrues before the effective date  
19 of this Act is governed by the law in effect immediately before that  
20 date, and that law is continued in effect for that purpose.

21 SECTION 3. This Act takes effect September 1, 2005.