

## **BILL ANALYSIS**

Senate Research Center  
85R22846 LED-D

H.B. 590  
By: Bohac et al. (Huffines)  
State Affairs  
5/17/2017  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties report that some governmental employers of first responders are reluctant to permit their employees or volunteers to offer roadside assistance to motorists for fear of liability arising from such assistance. H.B. 590 seeks to partially relieve such fear by exempting first responders from liability in certain civil damages for an act or omission that occurs while the responder is providing the assistance, with certain exceptions.

H.B. 590 amends current law relating to the liability of first responders who provide roadside assistance.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 4, Civil Practice and Remedies Code, by adding Chapter 78A, as follows:

#### **CHAPTER 78A. LIABILITY OF FIRST RESPONDERS FOR ROADSIDE ASSISTANCE**

Sec. 78A.001. DEFINITIONS. Provides that this chapter:

- (1) defines "first responder" to mean certain law enforcement, fire protection, or emergency medical services employees or volunteers; and
- (2) defines "roadside assistance" to mean assistance to the owner, operator, or passenger of a motor vehicle with an incident related to the operation of the motor vehicle, including jump-starting or replacing a motor vehicle battery, lockout assistance, replacing a flat tire, and roadside vehicle breakdown assistance.

Sec. 78A.002. LIABILITY OF FIRST RESPONDER. Provides that a first responder who in good faith provides roadside assistance is not liable in civil damages for damage to the motor vehicle affected by the incident for which the roadside assistance is provided that is caused by an act or omission that occurs during the performance of the act of roadside assistance unless the act or omission constitutes gross negligence, recklessness, or intentional misconduct.

SECTION 2. Provides that Section 78A.002, Civil Practice and Remedies Code, as added by this Act, does not apply to a cause of action that accrued before the effective date of this Act, Provides that a cause of action that accrued before the effective date of this Act is governed by the law applicable to the cause of action immediately before that date, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2017.