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H.B. No. 478

A BILL TO BE ENTITLED

AN ACT

relating to civil liability for removing certain individuals or  
animals from a motor vehicle.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is  
amended by adding Chapter 92A to read as follows:

CHAPTER 92A. LIMITATION OF LIABILITY FOR REMOVING CERTAIN

INDIVIDUALS FROM MOTOR VEHICLE

Sec. 92A.001. DEFINITIONS. In this chapter:

(1) "Motor vehicle" means a vehicle that is  
self-propelled or a trailer or semitrailer designed for use with a  
self-propelled vehicle.

(2) "Vulnerable individual" means:

(A) a child younger than seven years of age; or

(B) an individual who by reason of age or  
physical or mental disease, defect, or injury is substantially  
unable to protect the individual's self from harm.

Sec. 92A.002. LIMITATION OF LIABILITY. A person who, by  
force or otherwise, enters a motor vehicle for the purpose of  
removing a vulnerable individual from the vehicle is immune from  
civil liability for damages resulting from that entry or removal if  
the person:

(1) determines that:

(A) the motor vehicle is locked; or

1                   (B) there is no reasonable method for the  
2 individual to exit the motor vehicle without assistance;

3                   (2) has a good faith and reasonable belief, based on  
4 known circumstances, that entry into the motor vehicle is necessary  
5 to avoid imminent harm to the individual;

6                   (3) before entering the motor vehicle, ensures that  
7 law enforcement is notified or 911 is called if the person is not a  
8 law enforcement officer or other first responder;

9                   (4) uses no more force to enter the motor vehicle and  
10 remove the individual than is necessary; and

11                   (5) remains with the individual in a safe location  
12 that is in reasonable proximity to the motor vehicle until a law  
13 enforcement officer or other first responder arrives.

14                   Sec. 92A.003. EFFECT ON OTHER LAWS. This chapter does not  
15 affect limitation under Section [74.151](#) or [74.152](#) of a person's  
16 liability for good faith administration of emergency care.

17                   SECTION 2. Chapter 92A, Civil Practice and Remedies Code,  
18 as added by this Act, applies only to a cause of action that accrues  
19 on or after the effective date of this Act.

20                   SECTION 3. This Act takes effect September 1, 2017.