

By: Israel

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 OR ANIMALS FROM MOTOR VEHICLE

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

(1) "Domestic animal" means a dog, cat, or other domesticated animal that may be kept as a household pet. The term does not include a livestock animal, as defined by Section 87.001.

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

(3) "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 or a domestic animal from the vehicle is immune from civil liability for damages resulting from

1 that entry or removal if the person:

2 (1) determines that:

3 (A) the motor vehicle is locked; or

4 (B) there is no reasonable method for the
5 individual or animal to exit the motor vehicle without assistance;

6 (2) has a good faith and reasonable belief, based on
7 known circumstances, that entry into the motor vehicle is necessary
8 to avoid imminent harm to the individual or animal;

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

12 (4) uses no more force to enter the motor vehicle and
13 remove the individual or animal than is necessary; and

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

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

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

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