

By: Bohac

H.B. No. 590

Substitute the following for H.B. No. 590:

By: Smithee

C.S.H.B. No. 590

A BILL TO BE ENTITLED

AN ACT

relating to the liability of first responders who provide roadside assistance.

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 78A to read as follows:

CHAPTER 78A. LIABILITY OF FIRST RESPONDERS FOR ROADSIDE ASSISTANCE

Sec. 78A.001. DEFINITIONS. In this chapter:

(1) "First responder" means a law enforcement, fire protection, or emergency medical services employee or volunteer, including:

(A) a peace officer as defined by Article 2.12, Code of Criminal Procedure;

(B) fire protection personnel as defined by Section 419.021, Government Code;

(C) a volunteer firefighter who is:
(i) certified by the Texas Commission on Fire Protection or by the State Firefighters' and Fire Marshals' Association of Texas; or

(ii) a member of an organized volunteer fire-fighting unit that renders fire-fighting services without remuneration and conducts a minimum of two drills each month, each two hours long; and

(D) an individual certified as emergency medical

1 services personnel by the Department of State Health Services.

2 (2) "Roadside assistance" means assistance to the
3 owner, operator, or passenger of a motor vehicle with an incident
4 related to the operation of the motor vehicle, including
5 jump-starting or replacing a motor vehicle battery, lockout
6 assistance, replacing a flat tire, and roadside vehicle breakdown
7 assistance.

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

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

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