

1-1 By: Bohac (Senate Sponsor - Huffines) H.B. No. 590
1-2 (In the Senate - Received from the House May 8, 2017;
1-3 May 9, 2017, read first time and referred to Committee on State
1-4 Affairs; May 18, 2017, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 18, 2017, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|------------|-----|--------|-----|
| 1-7 | | | | |
| 1-8 | Huffman | X | | |
| 1-9 | Hughes | X | | |
| 1-10 | Birdwell | X | | |
| 1-11 | Creighton | X | | |
| 1-12 | Estes | X | | |
| 1-13 | Lucio | X | | |
| 1-14 | Nelson | X | | |
| 1-15 | Schwertner | X | | |
| 1-16 | Zaffirini | X | | |

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the liability of first responders who provide roadside
1-20 assistance.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Title 4, Civil Practice and Remedies Code, is
1-23 amended by adding Chapter 78A to read as follows:

1-24 CHAPTER 78A. LIABILITY OF FIRST RESPONDERS FOR ROADSIDE ASSISTANCE

1-25 Sec. 78A.001. DEFINITIONS. In this chapter:

1-26 (1) "First responder" means a law enforcement, fire
1-27 protection, or emergency medical services employee or volunteer,
1-28 including:

1-29 (A) a peace officer as defined by Article 2.12,
1-30 Code of Criminal Procedure;

1-31 (B) fire protection personnel as defined by
1-32 Section 419.021, Government Code;

1-33 (C) a volunteer firefighter who is:

1-34 (i) certified by the Texas Commission on
1-35 Fire Protection or by the State Firefighters' and Fire Marshals'
1-36 Association of Texas; or

1-37 (ii) a member of an organized volunteer
1-38 fire-fighting unit that renders fire-fighting services without
1-39 remuneration and conducts a minimum of two drills each month, each
1-40 two hours long; and

1-41 (D) an individual certified as emergency medical
1-42 services personnel by the Department of State Health Services.

1-43 (2) "Roadside assistance" means assistance to the
1-44 owner, operator, or passenger of a motor vehicle with an incident
1-45 related to the operation of the motor vehicle, including
1-46 jump-starting or replacing a motor vehicle battery, lockout
1-47 assistance, replacing a flat tire, and roadside vehicle breakdown
1-48 assistance.

1-49 Sec. 78A.002. LIABILITY OF FIRST RESPONDER. A first
1-50 responder who in good faith provides roadside assistance is not
1-51 liable in civil damages for damage to the motor vehicle affected by
1-52 the incident for which the roadside assistance is provided that is
1-53 caused by an act or omission that occurs during the performance of
1-54 the act of roadside assistance unless the act or omission
1-55 constitutes gross negligence, recklessness, or intentional
1-56 misconduct.

1-57 SECTION 2. Section 78A.002, Civil Practice and Remedies
1-58 Code, as added by this Act, does not apply to a cause of action that
1-59 accrued before the effective date of this Act. A cause of action
1-60 that accrued before the effective date of this Act is governed by
1-61 the law applicable to the cause of action immediately before that

2-1 date, and the former law is continued in effect for that purpose.

2-2 SECTION 3. This Act takes effect September 1, 2017.

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