

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Israel, Laubenberg, Rinaldi, Gutierrez,  
Neave, et al.

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.

# ADOPTED

MAY 23 2017

*Latoya Spaw*  
Secretary of the Senate

By: Israel Ibvesti

H.B. No. 478

Substitute the following for H.B. No. 478:

By: Jonathan

C.S. H.B. No. 478

## A BILL TO BE ENTITLED

### AN ACT

relating to civil liability for removing certain individuals 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.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 23, 2017**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB478** by Israel (Relating to civil liability for removing certain individuals from a motor vehicle. ), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Civil Practices and Remedies Code to provide immunity from civil liability to any person that enters a motor vehicle under circumstances defined in the bill for the purpose of removing an unattended vulnerable individual from that vehicle. Based on the analysis of the Office of Court Administration and the Texas Department of Criminal Justice, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 696  
Department of Criminal Justice

**LBB Staff:** UP, SD, AG, MW, GDz, LBO

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 19, 2017**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB478** by Israel (Relating to civil liability for removing certain individuals from a motor vehicle.), **Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Civil Practices and Remedies Code to provide immunity from civil liability to any person that enters a motor vehicle under circumstances defined in the bill for the purpose of removing an unattended vulnerable individual from that vehicle. Based on the analysis of the Office of Court Administration and the Texas Department of Criminal Justice, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 696  
Department of Criminal Justice

**LBB Staff:** UP, AG, MW, GDz, LBO

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 11, 2017**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB478** by Israel (Relating to civil liability for removing certain individuals or animals from a motor vehicle.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Civil Practices and Remedies Code to provide immunity from civil liability to any person that enters a motor vehicle under circumstances defined in the bill for the purpose of removing an unattended vulnerable individual or domestic animal from that vehicle. Based on the analysis of the Office of Court Administration and the Texas Department of Criminal Justice, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 696  
Department of Criminal Justice

**LBB Staff:** UP, AG, MW, GDz, LBO

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**March 24, 2017**

**TO:** Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB478** by Israel (Relating to civil liability for removing certain individuals or animals from a motor vehicle.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Civil Practices and Remedies Code to provide immunity from civil liability to any person that enters a motor vehicle for the purpose of removing an unattended vulnerable individual or domestic animal from that vehicle. Based on the analysis of the Office of Court Administration and the Texas Department of Criminal Justice, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 696  
Department of Criminal Justice

**LBB Staff:** UP, LBO, MW, GDz