

By: Israel

H.B. No. 762

A BILL TO BE ENTITLED

1 AN ACT
2 relating to civil liability for removing certain individuals or
3 animals from a motor vehicle.

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

5 SECTION 1. The heading to Chapter 92A, Civil Practice and
6 Remedies Code, is amended to read as follows:

7 CHAPTER 92A. LIMITATION OF LIABILITY FOR REMOVING CERTAIN
8 INDIVIDUALS OR ANIMALS FROM MOTOR VEHICLE

9 SECTION 2. Section 92A.001, Civil Practice and Remedies
10 Code, is amended to read as follows:

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

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

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

18 (3) [~~(2)~~] "Vulnerable individual" means:

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

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

23 SECTION 3. Section 92A.002, Civil Practice and Remedies
24 Code, is amended to read as follows:

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

6 (1) determines that:

7 (A) the motor vehicle is locked; or

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

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

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

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

18 (5) remains with the individual or animal in a safe
19 location that is in reasonable proximity to the motor vehicle until
20 a law enforcement officer or other first responder arrives; and

21 (6) in the case of removing an animal from a motor
22 vehicle, places a note on the motor vehicle's windshield with the
23 following information:

24 (A) the person's telephone number, e-mail
25 address, or other method of contacting the person;

26 (B) an explanation of the reason that the person
27 entered the motor vehicle;

1 (C) the location of the animal; and
2 (D) a statement indicating that the person
3 either:

4 (i) notified law enforcement or called 911;
5 or
6 (ii) is a law enforcement officer or other
7 first responder.

8 (b) A person is not immune from civil liability for entering
9 a motor vehicle under this section if the person, upon notifying law
10 enforcement or calling 911, was advised by law enforcement
11 personnel to not enter the motor vehicle.

12 SECTION 4. The change in law made by this Act applies only
13 to a cause of action that accrues on or after the effective date of
14 this Act. A cause of action that accrued before the effective date
15 of this Act is governed by the law applicable to the cause of action
16 immediately before the effective date of this Act, and that law is
17 continued in effect for that purpose.

18 SECTION 5. This Act takes effect September 1, 2021.