

AN ACT

relating to liability related to a duty to retrofit certain rented or leased motor vehicles with safety devices.

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

SECTION 1. Chapter 82, Civil Practice and Remedies Code, is amended by adding Section 82.009 to read as follows:

Sec. 82.009. LIMITED LIABILITY FOR FAILURE TO RETROFIT CERTAIN RENTED OR LEASED VEHICLES. (a) In this section, "retrofit" means to install new equipment or component parts that were not included in a motor vehicle when the vehicle was manufactured or sold. The term does not include:

(1) routine maintenance; or

(2) repairs to the vehicle:

(A) as a result of wear and tear; or

(B) required by damage resulting from an accident or other cause.

(b) This section applies only to a motor vehicle:

(1) that has a gross vehicle weight rating or gross vehicle weight of at least 6,000 pounds;

(2) that is governed by 49 U.S.C. Section 30106; and

(3) that is not a motor vehicle that was manufactured primarily for use in the transportation of not more than 10 individuals.

(c) Except as provided by Subsection (d), in any civil

1 action, including a products liability action, alleging
2 negligence, gross negligence, or strict liability, a seller who
3 rents or leases a motor vehicle to which this section applies to
4 another person is not liable for failing to retrofit the vehicle
5 with component parts or equipment, or for failing to select
6 component parts or equipment included in the vehicle, that were not
7 required by applicable federal motor vehicle safety standards under
8 49 C.F.R. Section 571.1 et seq. in effect at the time the vehicle
9 was manufactured or sold.

10 (d) Subsection (c) does not apply if the seller fails to
11 comply with a law or regulation, issued after the seller's motor
12 vehicle was manufactured or sold, requiring a mandatory recall or
13 retrofit of the vehicle.

14 SECTION 2. The change in law made by this Act applies only
15 to a cause of action that accrues on or after the effective date of
16 this Act.

17 SECTION 3. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 4218 was passed by the House on May 4, 2023, by the following vote: Yeas 119, Nays 20, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4218 was passed by the Senate on May 17, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor