

By: Flores

H.B. No. 77

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

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

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

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

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

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

(3) [~~(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.

SECTION 3. Section 92A.002, Civil Practice and Remedies 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.

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

25 SECTION 4. The change in law made by this Act applies only
26 to a cause of action that accrues on or after the effective date of
27 this Act. A cause of action that accrued before the effective date

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1 of this Act is governed by the law applicable to the cause of action
2 immediately before the effective date of this Act, and that law is
3 continued in effect for that purpose.

4 SECTION 5. This Act takes effect on the 91st day after the
5 last day of the legislative session.