

BILL ANALYSIS

H.B. 478
By: Israel
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that a person who breaks into a vehicle to rescue children, those unable to protect themselves, or domesticated animals that are in harm's way due to their involuntary confinement within the vehicle should enjoy legal protection. H.B. 478 seeks to encourage people to assist in such a situation by granting such a person immunity from civil liability for damages arising from the entry into the vehicle or the removal of the vulnerable entity from the vehicle under certain conditions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 478 amends the Civil Practice and Remedies Code to grant a person who, by force or otherwise, enters a motor vehicle, defined by the bill as a vehicle that is self-propelled or a trailer or semitrailer designed for use with such a vehicle, for the purpose of removing a vulnerable individual or a domestic animal, excluding a livestock animal, from the vehicle immunity from civil liability for damages resulting from that entry or removal if the person determines that the motor vehicle is locked or that there is no reasonable method for the individual or animal to exit the vehicle without assistance; has a good faith and reasonable belief, based on known circumstances, that entry into the vehicle is necessary to avoid imminent harm to the individual or animal; ensures before entering the vehicle that law enforcement is notified or 911 is called if the person is not a law enforcement officer or other first responder; uses no more force to enter the motor vehicle and remove the individual or animal than is necessary; and remains with the individual or animal in a safe location that is in reasonable proximity to the motor vehicle until a law enforcement officer or other first responder arrives. The bill defines "vulnerable individual" as a child younger than seven years of age or 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. The bill expressly does not affect certain other statutory limitations of liability for good faith administration of emergency care.

EFFECTIVE DATE

September 1, 2017.