

- SUBJECT:** Removing liability of first responders who provide roadside assistance
- COMMITTEE:** Judiciary and Civil Jurisprudence — committee substitute recommended
- VOTE:** 8 ayes — Smithee, Farrar, Hernandez, Laubenberg, Murr, Neave, Rinaldi, Schofield
- 1 nay — Gutierrez
- WITNESSES:** For — Larry Cernosek and Amy Milstead, Texas Towing and Storage Association; (*Registered, but did not testify:* Arianna Smith, Combined Law Enforcement Associations of Texas (CLEAT); Bill Kelly, City of Houston Mayor's Office; Casey Haney, State Firefighters' and Fire Marshals' Association; Lee Parsley, Texans for Lawsuit Reform; Michael Pacheco, Texas Farm Bureau; Mike Gomez, Texas Municipal Police Association (TMPA); John Carlton, Texas State Association of Fire and Emergency Services Districts; Will Adams, Texas Trial Lawyers Association)
- Against — None
- On — (*Registered, but did not testify:* Will Adams, Texas Trial Lawyers Association)
- DIGEST:** CSHB 590 would specify that a first responder providing roadside assistance was not civilly liable for damage to the vehicle related to the assistance unless damage occurred due to an act of gross negligence, recklessness, or intentional misconduct.
- A first responder would include a peace officer, fire fighter, or emergency services personnel. Liability protections under the bill would extend to assistance provided to the driver or passenger of a vehicle and related to its operation, such as jump-starting a car, replacing the battery, lockout assistance, replacing a flat tire, and breakdown assistance.
- The bill would take effect September 1, 2017, and would apply only to a

cause of action that accrued on or after that date.

**SUPPORTERS
SAY:**

CSHB 590 would allow first responders to offer roadside assistance without being held responsible for inadvertent damage to an individual's vehicle. Individuals who accept roadside assistance from first responders should accept a reasonable amount of risk to their vehicles, such as an electric system short-circuiting that might result from jump-starting a vehicle. Personal injury stemming from unintentional vehicle damage due to a first responder's assistance is an assumed risk.

**OPPONENTS
SAY:**

CSHB 590 could grant immunity for cases in which an individual was harmed due to the roadside assistance rendered by a first responder. These individuals should be able to seek legal remedy.