

## **BILL ANALYSIS**

Senate Research Center  
85R31813 JON-D

C.S.H.B. 478  
By: Israel et al. (Uresti)  
State Affairs  
5/19/2017  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the owner of a motor vehicle may attempt to charge the Good Samaritan who rescues a vulnerable individual from the vehicle. Although a Good Samaritan who rescues a vulnerable individual has a defense to criminal charges, they may still face civil liability. H.B. 478 extends protection to individuals who act in good faith to rescue a vulnerable individual that is trapped in a vehicle and in imminent danger.

Texas' extreme conditions put the lives of vulnerable individuals in danger and precautions should be taken to make sure no injury or loss of life results. (Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 478 amends current law relating to civil liability for removing certain individuals from a motor vehicle.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 4, Civil Practice and Remedies Code, by adding Chapter 92A, as follows:

#### **CHAPTER 92A. LIMITATION OF LIABILITY FOR REMOVING CERTAIN INDIVIDUALS FROM MOTOR VEHICLE**

Sec. 92A.001. DEFINITIONS. Defines "motor vehicle" and "vulnerable individual."

Sec. 92A.002. LIMITATION OF LIABILITY. Provides that a person who, by force or otherwise, enters a motor vehicle for the purpose of removing a vulnerable individual from the vehicle is immune from civil liability for damages resulting from that entry or removal if the person:

- (1) determines that the motor vehicle is locked or there is no reasonable method for the individual to exit the motor vehicle without assistance;
- (2) has a good faith and reasonable belief, based on known circumstances, that entry into the motor vehicle is necessary to avoid imminent harm to the individual;
- (3) before entering the motor vehicle, ensures that law enforcement is notified or 911 is called if the person is not a law enforcement officer or other first responder;
- (4) uses no more force to enter the motor vehicle and remove the individual than is necessary; and

(5) remains with the individual in a safe location that is in reasonable proximity to the motor vehicle until a law enforcement officer or other first responder arrives.

Sec. 92A.003. EFFECT ON OTHER LAWS. Provides that this chapter does not affect limitation under Section 74.151 (Liability for Emergency Care) or 74.152 (Unlicensed Medical Personnel) of a person's liability for good faith administration of emergency care.

SECTION 2. Provides that Chapter 92A, Civil Practice and Remedies Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2017.