

1 AN ACT

2 relating to the liability of first responders who provide roadside  
3 assistance.

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

5 SECTION 1. Title 4, Civil Practice and Remedies Code, is  
6 amended by adding Chapter 78A to read as follows:

7 CHAPTER 78A. LIABILITY OF FIRST RESPONDERS FOR ROADSIDE ASSISTANCE

8 Sec. 78A.001. DEFINITIONS. In this chapter:

9 (1) "First responder" means a law enforcement, fire  
10 protection, or emergency medical services employee or volunteer,  
11 including:

12 (A) a peace officer as defined by Article 2.12,  
13 Code of Criminal Procedure;

14 (B) fire protection personnel as defined by  
15 Section 419.021, Government Code;

16 (C) a volunteer firefighter who is:  
17 (i) certified by the Texas Commission on  
18 Fire Protection or by the State Firefighters' and Fire Marshals'  
19 Association of Texas; or

20 (ii) a member of an organized volunteer  
21 fire-fighting unit that renders fire-fighting services without  
22 remuneration and conducts a minimum of two drills each month, each  
23 two hours long; and

24 (D) an individual certified as emergency medical

1 services personnel by the Department of State Health Services.

2 (2) "Roadside assistance" means assistance to the  
3 owner, operator, or passenger of a motor vehicle with an incident  
4 related to the operation of the motor vehicle, including  
5 jump-starting or replacing a motor vehicle battery, lockout  
6 assistance, replacing a flat tire, and roadside vehicle breakdown  
7 assistance.

8 Sec. 78A.002. LIABILITY OF FIRST RESPONDER. A first  
9 responder who in good faith provides roadside assistance is not  
10 liable in civil damages for damage to the motor vehicle affected by  
11 the incident for which the roadside assistance is provided that is  
12 caused by an act or omission that occurs during the performance of  
13 the act of roadside assistance unless the act or omission  
14 constitutes gross negligence, recklessness, or intentional  
15 misconduct.

16 SECTION 2. Section 78A.002, Civil Practice and Remedies  
17 Code, as added by this Act, does not apply to a cause of action that  
18 accrued before the effective date of this Act. A cause of action  
19 that accrued before the effective date of this Act is governed by  
20 the law applicable to the cause of action immediately before that  
21 date, and the former law is continued in effect for that purpose.

22 SECTION 3. This Act takes effect September 1, 2017.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 590 was passed by the House on May 5, 2017, by the following vote: Yeas 143, Nays 0, 3 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 590 was passed by the Senate on May 23, 2017, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor