CIVIL PRACTICE AND REMEDIES CODE

TITLE 4. LIABILITY IN TORT

CHAPTER 78A. LIABILITY OF FIRST RESPONDERS FOR ROADSIDE ASSISTANCE

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

Text of subdivision effective until January 01, 2025

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

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

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

(C) a volunteer firefighter who is:

(i) certified by the Texas Commission on Fire Protection or by the State Firefighters' and Fire Marshals' Association of Texas; or

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

(D) an individual certified as emergency medical services personnel by the Department of State Health Services.

Text of subdivision effective on January 01, 2025

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

(A) a peace officer as defined by Article 2A.001, Code of Criminal Procedure;

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

(C) a volunteer firefighter who is:

(i) certified by the Texas Commission on Fire Protection or by the State Firefighters' and Fire Marshals' Association of Texas; or

(ii) a member of an organized volunteer

fire-fighting unit that renders fire-fighting services without remuneration and conducts a minimum of two drills each month, each two hours long; and

(D) an individual certified as emergency medical services personnel by the Department of State Health Services.

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

Added by Acts 2017, 85th Leg., R.S., Ch. 1150 (H.B. 590), Sec. 1, eff. September 1, 2017.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.010, eff. January 1, 2025.

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

Added by Acts 2017, 85th Leg., R.S., Ch. 1150 (H.B. 590), Sec. 1, eff. September 1, 2017.