CIVIL PRACTICE AND REMEDIES CODE

TITLE 4. LIABILITY IN TORT

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

Sec. 92A.001. DEFINITIONS. In this chapter:

(1) "Motor vehicle" means a vehicle that is self-propelled or a trailer or semitrailer designed for use with a self-propelled vehicle.

(2) "Vulnerable individual" means:

(A) a child younger than seven years of age; or

(B) 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.

Added by Acts 2017, 85th Leg., R.S., Ch. 694 (H.B. 478), Sec. 1, eff. September 1, 2017.

Sec. 92A.002. LIMITATION OF LIABILITY. 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:

(A) the motor vehicle is locked; or

(B) 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.

Added by Acts 2017, 85th Leg., R.S., Ch. 694 (H.B. 478), Sec. 1, eff. September 1, 2017.

Sec. 92A.003. EFFECT ON OTHER LAWS. This chapter does not affect limitation under Section 74.151 or 74.152 of a person's liability for good faith administration of emergency care.

Added by Acts 2017, 85th Leg., R.S., Ch. 694 (H.B. 478), Sec. 1, eff. September 1, 2017.