

## **BILL ANALYSIS**

C.S.H.B. 590  
By: Bohac  
Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties report that some governmental employers of first responders are reluctant to permit their employees or volunteers to offer roadside assistance to motorists for fear of liability arising from such assistance. C.S.H.B. 590 seeks to partially relieve such fear by exempting first responders from liability in certain civil damages for an act or omission that occurs while the responder is providing the assistance, with certain exceptions.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 590 amends the Civil Practice and Remedies Code to exempt a first responder who in good faith provides roadside assistance from liability 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.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 590 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### **INTRODUCED**

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

**CHAPTER 78A. LIABILITY OF FIRST RESPONDERS FOR ROADSIDE**

#### **HOUSE COMMITTEE SUBSTITUTE**

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

**CHAPTER 78A. LIABILITY OF FIRST RESPONDERS FOR ROADSIDE**

ASSISTANCE

Sec. 78A.001. DEFINITIONS.

Sec. 78A.002. LIABILITY OF FIRST RESPONDER. A first responder who in good faith provides roadside assistance is not liable in civil damages for an act or omission that occurs while the first responder is providing roadside assistance unless the act or omission constitutes gross negligence, recklessness, or intentional misconduct.

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

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

ASSISTANCE

Sec. 78A.001. DEFINITIONS.

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.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.