

## **BILL ANALYSIS**

Senate Research Center

H.B. 4218  
By: Leach (Middleton)  
State Affairs  
5/10/2023  
Engrossed

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

H.B. 4218 amends current law relating to liability related to a duty to retrofit certain rented or leased motor vehicles with safety devices.

### **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 Chapter 82, Civil Practice and Remedies Code, by adding Section 82.009, as follows:

Sec. 82.009. LIMITED LIABILITY FOR FAILURE TO RETROFIT CERTAIN RENTED OR LEASED VEHICLES. (a) Defines "retrofit."

(b) Provides that this section applies only to a motor vehicle:

(1) that has a gross vehicle weight rating or gross vehicle weight of at least 6,000 pounds;

(2) that is governed by 49 U.S.C. Section 30106; and

(3) that is not a motor vehicle that was manufactured primarily for use in the transportation of not more than 10 individuals.

(c) Provides that a seller who rents or leases a motor vehicle to which this section applies to another person, except as provided by Subsection (d), in any civil action, including a products liability action, alleging negligence, gross negligence, or strict liability, is not liable for failing to retrofit the vehicle with component parts or equipment, or for failing to select component parts or equipment included in the vehicle, that were not required by applicable federal motor vehicle safety standards under 49 C.F.R. Section 571.1 et seq. in effect at the time the vehicle was manufactured or sold.

(d) Provides that Subsection (c) does not apply if the seller fails to comply with a law or regulation, issued after the seller's motor vehicle was manufactured or sold, requiring a mandatory recall or retrofit of the vehicle.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.