

Amend **CSHB 4** as follows:

(1) Beginning on page 79, line 16, and ending on page 80, line 13, strike SECTION 10.23 of the bill.

(2) On page 96, between lines 12 and 13, insert a new ARTICLE 16 to read as follows:

ARTICLE 16. CHARITABLE IMMUNITY AND LIABILITY

SECTION 16.01. Sections 84.004(a), (c), and (d), Civil Practice and Remedies Code, are amended to read as follows:

(a) Except as provided by Subsection (d) and Section 84.007, a volunteer [~~who is serving as an officer, director, or trustee~~] of a charitable organization is immune from civil liability for any act or omission resulting in death, damage, or injury if the volunteer was acting in the course and scope of the volunteer's [~~his~~] duties or functions [~~as an officer, director, or trustee~~] within the organization.

(c) Except as provided by Subsection (d) and Section 84.007, a volunteer health care provider [~~who is serving as a direct service volunteer of a charitable organization~~] is immune from civil liability for any act or omission resulting in death, damage, or injury to a patient if:

(1) [~~the volunteer was acting in good faith and in the course and scope of the volunteer's duties or functions within the organization,~~

~~(2)]~~ the volunteer commits the act or omission in the course of providing health care services to the patient;

(2) [~~(3)~~] the services provided are within the scope of the license of the volunteer; and

(3) [~~(4)~~] before the volunteer provides health care services, the patient or, if the patient is a minor or is otherwise legally incompetent, the person responsible for [~~patient's parent, managing conservator, legal guardian, or other person with legal responsibility for the care of~~] the patient signs a written statement that acknowledges:

(A) that the volunteer is providing care that is not administered for or in expectation of compensation; and

(B) the limitations on the recovery of damages from the volunteer in exchange for receiving the health care services.

(d) A volunteer of a charitable organization is liable to a person for death, damage, or injury to the person or the person's [~~his~~] property proximately caused by any act or omission arising from the operation or use of any motor vehicle [~~motor-driven equipment~~], including an airplane, to the extent [~~insurance coverage is required by Chapter 601, Transportation Code, and to the extent~~] of any existing insurance coverage applicable to the act or omission.

SECTION 16.02. Section 84.007(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) This chapter does not apply to an act or omission that is intentional, wilfully [~~or wantonly~~] negligent, or done with conscious indifference or reckless disregard for the safety of others.

SECTION 16.03. The following provisions of the Civil Practice and Remedies Code are repealed:

- (1) Section 84.003(4); and
- (2) Section 84.004(b).

SECTION 16.04. This article applies only to a cause of action that accrues on or after the effective date of this article. An action that accrued before the effective date of this article is governed by the law applicable to the action immediately before the effective date of this article, and that law is continued in effect for that purpose.

- (3) Renumber the ARTICLES of the bill appropriately.