

Amend **CSHB 4** by adding the following appropriately numbered ARTICLE to the bill and renumbering the ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_\_. LIABILITY OF VOLUNTEER FIRE DEPARTMENTS  
AND VOLUNTEER FIRE FIGHTERS

SECTION \_\_\_\_\_.01. FINDINGS AND PURPOSE. (a) The legislature finds that:

(1) 80 percent of the area of this state is currently protected by volunteer fire departments;

(2) concern regarding personal liability arising out of services rendered by volunteer fire fighters on behalf of volunteer fire departments deters individuals from offering their services as volunteer fire fighters;

(3) the diminishing number of volunteer fire fighters leads to increased costs and less service to areas of this state that are served by volunteer fire departments; and

(4) it is in the public interest of the citizens of this state to encourage the continued level of service provided by volunteer fire departments.

(b) The purpose of this article is to reduce the exposure to liability of:

(1) a volunteer fire department while involved in or providing an emergency response; and

(2) a volunteer fire fighter while acting as a member of a volunteer fire department.

SECTION \_\_\_\_\_.02. AMENDMENT. Chapter 78, Civil Practice and Remedies Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. FIRE-FIGHTING SERVICES

Sec. 78.101. DEFINITIONS. In this subchapter:

(1) "Emergency response" means a response involving fire protection or prevention, rescue, emergency medical, or hazardous material response services.

(2) "Volunteer fire department" means a nonprofit organization that is:

(A) operated by its members;

(B) exempt from the state sales tax under Section 151.310, Tax Code, or the state franchise tax under Section 171.083, Tax Code; and

(C) organized to provide an emergency response.

(3) "Volunteer fire fighter" means a member of a volunteer fire department.

Sec. 78.102. APPLICABILITY OF SUBCHAPTER: EMERGENCY RESPONSE. This subchapter applies only to damages for personal injury, death, or property damage, other than property damage to which Subchapter A applies, arising from an error or omission of:

(1) a volunteer fire department while involved in or providing an emergency response; or

(2) a volunteer fire fighter while involved in or providing an emergency response as a member of a volunteer fire department.

Sec. 78.103. LIABILITY OF VOLUNTEER FIRE DEPARTMENT. A volunteer fire department is:

(1) liable for damages described by Section 78.102 only to the extent that a county providing the same or similar services would be liable under Chapter 101; and

(2) entitled to the exclusions, exceptions, and defenses applicable to a county under Chapter 101 and other statutory or common law.

Sec. 78.104. LIABILITY OF VOLUNTEER FIRE FIGHTER. A volunteer fire fighter is:

(1) liable for damages described by Section 78.102 only to the extent that an employee providing the same or similar services for a county would be liable; and

(2) entitled to the exclusions, exceptions, immunities, and defenses applicable to an employee of a county under Chapter 101 and other statutory or common law.

SECTION \_\_\_\_ .03. TRANSITION. Subchapter C, Chapter 78, Civil Practice and Remedies Code, as added by this article, applies only to a cause of action that accrues on or after the effective date of this article. An action that accrues 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.