

## **BILL ANALYSIS**

Senate Research Center

S.B. 513  
By: Lindsay  
State Affairs  
8/13/2003  
Enrolled

### **DIGEST AND PURPOSE**

Currently, a person is immune from civil liability for an act or omission that occurs in giving care, assistance, or advice with respect to the management of an incident, except in a case of reckless conduct or intentional, wilful, or wanton misconduct. S.B. 513 extends immunity from civil liability for response activities relating to hazardous materials to response activities relating to both man-made or natural disasters when the assistance is requested by an authorized government official.

### **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 79, Civil Practice and Remedies Code, by adding Section 79.003, as follows:

Sec. 79.003. DISASTER ASSISTANCE. (a) Provides that, except in a case of reckless conduct or intentional, wilful, or wanton misconduct, a person is immune from civil liability for an act or omission that occurs in giving care, assistance, or advice with respect to the management of an incident that is a disaster if certain conditions are met.

(b) Provides that this section does not apply to a person giving care, assistance, or advice for or in expectation of compensation from or behalf of the recipient of the care, assistance, or advice in excess of reimbursement for expenses incurred.

SECTION 2. Amends the heading of Chapter 79, Civil Practice and Remedies Code, to read as follows:

#### **CHAPTER 79. LIABILITY OF PERSONS ASSISTING IN HAZARDOUS OR DANGEROUS SITUATIONS**

SECTION 3. Amends the heading to Section 79.002, Civil Practice and Remedies Code, to read as follows:

Section 79.002. HAZARDOUS MATERIALS.

SECTION 4. Effective date: September 1, 2003.  
Makes application of this Act prospective.