

BILL ANALYSIS

S.B. 513
By: Lindsay
Civil Practices
Committee Report (Unamended)

BACKGROUND 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 if certain factors are met except in a case of reckless conduct or intentional, wilful, or wanton misconduct.

As proposed, S.B. 513 would extend 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

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

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.

EFFECTIVE DATE

September 1, 2003.

