

By: Jones of Bexar

H.B. No. 685

A BILL TO BE ENTITLED

AN ACT

relating to the liability of a private person rendering aid at the request of a governmental unit in an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 94 to read as follows:

CHAPTER 94. LIABILITY OF PRIVATE PERSON RENDERING AID AT REQUEST OF GOVERNMENTAL UNIT IN EMERGENCY

Sec. 94.001. DEFINITION. In this chapter, "governmental unit" has the meaning assigned by Section 101.001.

Sec. 94.002. LIMITATION ON LIABILITY. (a) A private person who renders aid at the request of a governmental unit or an agency or department of a governmental unit in an emergency is not liable for damages arising from rendering the aid.

(b) This section applies without regard to whether an actual emergency exists if the governmental unit or agency or department of the governmental unit at the time the request is made to the private person believes in good faith that an emergency exists.

Sec. 94.003. APPLICABILITY. This chapter does not apply to an act or omission by a private person that is:

(1) wilfully or wantonly negligent; or

(2) done with conscious indifference or reckless disregard for the safety of others.

SECTION 2. This Act takes effect September 1, 2003, and

1 applies only to a cause of action that accrues on or after that  
2 date. An action that accrued before the effective date of this Act  
3 is governed by the law applicable to the action immediately before  
4 the effective date of this Act, and that law is continued in effect  
5 for that purpose.