

AN ACT

relating to the liability of a governmental unit for fire or emergency services in a contract or in the absence of a contract.

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

SECTION 1. The section heading of Section 791.006, Government Code, is amended to read as follows:

Sec. 791.006. LIABILITY IN CONTRACT OR ABSENCE OF [~~FIRE PROTECTION~~] CONTRACT FOR [~~OR~~] PROVISION OF FIRE, EMERGENCY, OR LAW ENFORCEMENT SERVICES.

SECTION 2. Section 791.006, Government Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) If governmental units contract under this chapter to furnish or obtain fire or emergency [~~the~~] services, they may determine by contract which party [~~of a fire department, the governmental unit that would have been responsible for furnishing the services in the absence of the contract~~] is responsible for any civil liability that arises from the furnishing of those services. In the absence of a contract addressing liability, if a governmental unit furnishes fire or emergency services to another governmental unit, the governmental unit that requests and obtains the services is responsible for any civil liability that arises from the furnishing of those services.

(d) Nothing in this section affects the employer-employee

1 relationship or the terms or conditions of employment between a  
2 governmental unit and its employees, such as the payment of wages or  
3 provision of benefits, including worker compensation.

4 (e) Nothing in this section affects a school district.

5 SECTION 3. (a) The change in law made by this Act to  
6 Section 791.006, Government Code, does not affect any civil  
7 liability for services furnished under an interlocal cooperation  
8 contract to furnish or obtain the services of a fire department  
9 entered into before the effective date of this Act.

10 (b) The former law is continued in effect for the purpose of  
11 determining liability, if any, for services furnished under an  
12 interlocal cooperation contract to furnish or obtain the services  
13 of a fire department entered into before the effective date of this  
14 Act.

15 SECTION 4. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2003.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 407 passed the Senate on April 3, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 26, 2003, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 407 passed the House, with amendment, on May 23, 2003, by the following vote: Yeas 145, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor