

By: Deuell

S.B. No. 407

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 2. Section 791.006(a), Government Code, is amended to read as follows:

(a) In the absence of a contract, if a governmental unit furnishes fire or emergency services to another governmental unit, the governmental unit that requests and obtains the services [~~if governmental units contract under this chapter to furnish or obtain the services 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.

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

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

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