

By: Lindsay

S.B. No. 513

A BILL TO BE ENTITLED

AN ACT

relating to limiting the liability of certain persons giving care, assistance, or advice during a disaster.

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

SECTION 1. Chapter 79, Civil Practice and Remedies Code, is amended by adding Section 79.003 to read as follows:

Sec. 79.003. DISASTER ASSISTANCE. (a) 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:

(1) that is a man-made or natural disaster that endangers or threatens to endanger individuals, property, or the environment; and

(2) in which the care, assistance, or advice is provided at the request of an authorized representative of a local, state, or federal agency, including a fire department, police department, an emergency management agency, and a disaster response agency.

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

SECTION 2. The heading to Chapter 79, Civil Practice and

Remedies Code, is amended to read as follows:

CHAPTER 79. LIABILITY OF PERSONS ASSISTING IN HAZARDOUS OR  
DANGEROUS SITUATIONS [~~MATERIALS~~]

SECTION 3. The heading to Section 79.002, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 79.002. HAZARDOUS MATERIALS [~~LIABILITY OF PERSON  
GIVING ASSISTANCE~~].

SECTION 4. This Act takes effect September 1, 2003, and applies only to a cause of action that accrues on or after that date. An action that accrued before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.