

By: Lindsay S.B. No. 513
(In the Senate - Filed February 17, 2003; February 19, 2003,
read first time and referred to Committee on State Affairs;
March 24, 2003, reported favorably by the following vote: Yeas 8,
Nays 0; March 24, 2003, sent to printer.)

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.

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