

By: Bonnen

H.B. No. 644

A BILL TO BE ENTITLED

AN ACT

relating to limiting the liability of emergency medical services volunteers and emergency medical services volunteer providers.

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

SECTION 1. The heading to Chapter 78, Civil Practice and Remedies Code, is amended to read as follows:

CHAPTER 78. CERTAIN FIRE FIGHTERS, ~~[AND]~~ FIRE-FIGHTING ENTITIES, AND EMERGENCY MEDICAL SERVICES PERSONNEL AND PROVIDERS

SECTION 2. Chapter 78, Civil Practice and Remedies Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. VOLUNTEER EMERGENCY MEDICAL SERVICES

Sec. 78.151. DEFINITIONS. In this subchapter:

(1) "Emergency medical services" has the meaning assigned by Section 773.003, Health and Safety Code.

(2) "Emergency medical services volunteer" has the meaning assigned by Section 773.003, Health and Safety Code.

(3) "Emergency medical services volunteer provider" has the meaning assigned by Section 773.003, Health and Safety Code.

Sec. 78.152. LIABILITY. An emergency medical services volunteer or an emergency medical services volunteer provider is not liable for damage to property resulting from the volunteer's or the provider's reasonable and necessary action in providing emergency medical services in relation to the property.

1 Sec. 78.153. APPLICABILITY OF SUBCHAPTER: EMERGENCY
2 MEDICAL SERVICES. This subchapter applies only to damages for
3 personal injury, death, or property damage, other than property
4 damage to which Section 78.152 applies, arising from an error or
5 omission of:

6 (1) an emergency medical services volunteer provider
7 while involved in or providing emergency medical services; or

8 (2) an emergency medical services volunteer while
9 involved in or providing emergency medical services as a member of
10 an emergency medical services volunteer provider.

11 Sec. 78.154. LIABILITY OF EMERGENCY MEDICAL SERVICES
12 VOLUNTEER PROVIDER. An emergency medical services volunteer
13 provider is:

14 (1) liable for damages described by Section 78.153
15 only to the extent that a county providing the same or similar
16 services would be liable under Chapter 101; and

17 (2) entitled to the exclusions, exceptions, and
18 defenses applicable to a county under Chapter 101 and other
19 statutory or common law.

20 Sec. 78.155. LIABILITY OF EMERGENCY MEDICAL SERVICES
21 VOLUNTEER. An emergency medical services volunteer is:

22 (1) liable for damages described by Section 78.153
23 only to the extent that an employee providing the same or similar
24 services for a county would be liable; and

25 (2) entitled to the exclusions, exceptions,
26 immunities, and defenses applicable to an employee of a county
27 under Chapter 101 and other statutory or common law.

1 SECTION 3. Subchapter D, Chapter 78, Civil Practice and
2 Remedies Code, as added by this Act, applies only to a cause of
3 action that accrues on or after the effective date of this Act. An
4 action that accrues before the effective date of this Act is
5 governed by the law applicable to the action immediately before the
6 effective date of this Act, and that law is continued in effect for
7 that purpose.

8 SECTION 4. This Act takes effect September 1, 2005.