

By: Deuell

S.B. No. 864

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the liability of certain local governments for fire,
3 emergency, or law enforcement services provided to another local
4 government.

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

6 SECTION 1. Section 791.006, Government Code, is amended to
7 read as follows:

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

10 (a) If governmental units contract under this chapter to furnish
11 or obtain fire or emergency services, the governmental units may
12 include in the contract a provision to determine the party [~~the~~
13 ~~services of a fire department, the governmental unit that would~~
14 ~~have been responsible for furnishing the services in the absence of~~
15 ~~the contract is~~] responsible for any civil liability that arises
16 from the furnishing of those services.

17 (b) (1) In the absence of a contract, if a municipality or
18 county furnishes law enforcement services to another municipality
19 or county, the governmental unit that requests and obtains the
20 services is responsible for any civil liability that arises from
21 the furnishing of those services.

22 (2) In the absence of a contract provision that
23 determines civil liability, if a municipality or county furnishes
24 fire or emergency services to another municipality or county, each

1 governmental unit is responsible for any civil liability that
2 arises from its own actions as a result of furnishing or obtaining
3 the services.

4 (c) Nothing in this section:

5 (1) adds to or changes the liability limits and
6 immunities for a governmental unit provided by the Texas Tort
7 Claims Act, Chapter 101, Civil Practice and Remedies Code, or other
8 law;

9 (2) affects the employer-employee relationship or the
10 terms or conditions of employment between a governmental unit and
11 its employees, including the payment of wages and the provision of
12 benefits such as workers' compensation benefits; or

13 (3) applies to or affects a public school district.

14 SECTION 2. (a) The change in law made by this Act to Section
15 791.006, Government Code, does not affect any civil liability for
16 services furnished under an interlocal cooperation contract to
17 furnish or obtain the services of a fire department entered into
18 before the effective date of this Act.

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

24 SECTION 3. Subject to Section 2 of this Act:

25 (1) the changes in law made by this Act to Section
26 791.006(b), Government Code, apply only in relation to fire or
27 emergency services furnished or obtained on or after the effective

1 date of this Act; and

2 (2) the former law is continued in effect for the
3 purpose of determining liability, if any, for fire or emergency
4 services furnished or obtained 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, 2005.