

By: King of Parker

H.B. No. 2624

A BILL TO BE ENTITLED

AN ACT

relating to certain functions and services performed in relation to accidents.

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

SECTION 1. Chapter 342, Local Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. CONTRACTS WITH VOLUNTEER FIRE DEPARTMENTS

Sec. 342.031. FEES FOR VOLUNTEER FIRE DEPARTMENT SERVICES.

(a) A municipality that contracts with a volunteer fire department for the performance of emergency services may charge a reasonable fee for emergency services performed by the department in relation to a hazardous material accident or a motor vehicle accident. The fee may be billed to the applicable insurance company of the person for whom the department performs the service if the service is a covered benefit under the applicable policy and an assignment of benefits, if necessary, is provided to the department.

(b) Covered benefits under an assignment of benefits must be paid as required under applicable provisions of the Insurance Code for prompt payment of covered claims.

SECTION 2. Section 352.001(c), Local Government Code, is amended to read as follows:

(c) The commissioners court of a county may contract with an incorporated volunteer fire department that is located within the county to provide fire protection to an area of the county that is

1 located outside the municipalities in the county. The court may pay  
2 for that protection from the general fund of the county. The county  
3 may charge a reasonable fee for emergency services performed by the  
4 contracting volunteer fire department in relation to a hazardous  
5 material accident or a motor vehicle accident. The fee may be billed  
6 to the applicable insurance company of the person for whom the  
7 department performs the service if the service is a covered benefit  
8 under the applicable policy and an assignment of benefits, if  
9 necessary, is provided to the department. Covered benefits under  
10 an assignment of benefits must be paid as required under applicable  
11 provisions of the Insurance Code for prompt payment of covered  
12 claims.

13 SECTION 3. Chapter 614, Government Code, is amended by  
14 adding Subchapter H to read as follows:

15 SUBCHAPTER H. AUTHORITY OF CERTAIN VOLUNTEER FIRE DEPARTMENTS TO  
16 CHARGE FEES FOR SERVICES

17 Sec. 614.121. FEES FOR VOLUNTEER FIRE DEPARTMENT SERVICES.

18 (a) In this section, "volunteer fire department" means a fire  
19 department operated by its members, including a partially paid fire  
20 department, that:

21 (1) is operated on a not-for-profit basis, including a  
22 department exempt from federal income tax under Section 501(a),  
23 Internal Revenue Code of 1986, by being listed as an exempt  
24 organization in Section 501(c)(3) or (4) of that code; and

25 (2) participates in a firefighter certification  
26 program administered:

27 (A) under Section 419.071;

1                   (B) by the State Firemen's and Fire Marshals'  
2 Association of Texas; or

3                   (C) by the National Wildfire Coordinating Group.

4           (b) A volunteer fire department that is not operating under  
5 a contract with an emergency services district under Chapter 775,  
6 Health and Safety Code, a county, a municipality, or another  
7 political subdivision to provide emergency services may charge a  
8 reasonable fee to a person for whom the department performs  
9 emergency services in relation to a hazardous material accident or  
10 a motor vehicle accident. The fee may be billed to the applicable  
11 insurance company of the person for whom the department performs  
12 the service if the service is a covered benefit under the applicable  
13 policy and an assignment of benefits, if necessary, is provided to  
14 the department.

15           SECTION 4. Subchapter B, Chapter 1271, Insurance Code, is  
16 amended by adding Section 1271.057 to read as follows:

17           Sec. 1271.057. CERTAIN TRANSPORTATION COSTS. An evidence  
18 of coverage that provides benefits for the cost of transporting an  
19 enrollee who is injured in an accident to a hospital or other  
20 facility for medical care must also provide benefits to reimburse a  
21 person, including a governmental entity, for the cost of  
22 transporting the body of an enrollee who dies in an accident to a  
23 morgue or other facility.

24           SECTION 5. Chapter 1701, Insurance Code, is amended by  
25 adding Subchapter E to read as follows:

26                   SUBCHAPTER E. MINIMUM REQUIREMENTS

27           Sec. 1701.201. CERTAIN TRANSPORTATION COSTS. A document

1 subject to this chapter that provides benefits for the cost of  
2 transporting a covered individual who is injured in an accident to a  
3 hospital or other facility for medical care must also provide  
4 benefits to reimburse a person, including a governmental entity,  
5 for the cost of transporting the body of a covered individual who  
6 dies in an accident to a morgue or other facility.

7         SECTION 6. Sections 1271.057 and 1701.201, Insurance Code,  
8 as added by this Act, apply only to an evidence of coverage, policy,  
9 contract, or certificate that is delivered, issued for delivery, or  
10 renewed on or after January 1, 2008. An evidence of coverage,  
11 policy, contract, or certificate that is delivered, issued for  
12 delivery, or renewed before January 1, 2008, is governed by the law  
13 as it existed immediately before the effective date of this Act, and  
14 that law is continued in effect for that purpose.

15         SECTION 7. The changes in law made by this Act apply  
16 beginning with emergency services performed by a volunteer fire  
17 department on or after the effective date of this Act.

18         SECTION 8. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2007.