

By: King of Parker

H.B. No. 2624

Substitute the following for H.B. No. 2624:

By: Bolton

C.S.H.B. No. 2624

A BILL TO BE ENTITLED

AN ACT

relating to the authority to charge reasonable fees for certain emergency services performed by volunteer fire departments.

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 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 must be:

(1) billed to the applicable insurance company of the person for whom the department performs the service; and

(2) paid within a reasonable amount of time established by the municipality.

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 located outside the municipalities in the county. The court may pay for that protection from the general fund of the county. The county

1 may charge a reasonable fee for emergency services performed by the  
2 contracting volunteer fire department in relation to a hazardous  
3 material accident or a motor vehicle accident. The fee must be:

4 (1) billed to the applicable insurance company of the  
5 person for whom the department performs the service; and

6 (2) paid within a reasonable amount of time  
7 established by the county.

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

10 SUBCHAPTER H. AUTHORITY OF CERTAIN VOLUNTEER FIRE DEPARTMENTS TO  
11 CHARGE FEES FOR SERVICES

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

13 (a) In this section, "volunteer fire department" means a fire  
14 department operated by its members, including a partially paid fire  
15 department, that:

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

20 (2) participates in a firefighter certification  
21 program administered:

22 (A) under Section 419.071;

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

25 (C) by the National Wildfire Coordinating Group.

26 (b) A volunteer fire department that is not operating under  
27 a contract with an emergency services district under Chapter 775,

1 Health and Safety Code, a county, a municipality, or another  
2 political subdivision to provide emergency services may charge a  
3 reasonable fee to a person for whom the department performs  
4 emergency services in relation to a hazardous material accident or  
5 a motor vehicle accident. The fee must be billed to the applicable  
6 insurance company of the person for whom the department performs  
7 the service.

8         SECTION 4. The changes in law made by this Act apply  
9 beginning with emergency services performed by a volunteer fire  
10 department on or after the effective date of this Act.

11         SECTION 5. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2007.