

By: Martinez

H.B. No. 2889

A BILL TO BE ENTITLED

AN ACT

relating to liability of ambulance service providers for certain occurrences.

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

SECTION 1. Chapter 97, Civil Practice and Remedies Code, is amended by adding Section 97.003 to read as follows:

Sec. 97.003. AMBULANCE SERVICE PROVIDER. (a) Except as provided by this section, the liability of an ambulance service provider for damages arising out of a motor vehicle accident involving the provider's ambulance that occurs while the ambulance is being used to provide ambulance services is limited to money damages in a maximum amount for each single occurrence of the greater of:

(1) the total amount of economic damages arising out of the occurrence; or

(2) \$250,000.

(b) This section does not limit liability for an act or omission that is intentional or grossly negligent.

SECTION 2. The change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

1       SECTION 3. This Act is an exercise of authority under  
2 Section 66(c), Article III, Texas Constitution, and takes effect  
3 only if it receives a vote of three-fifths of all the members  
4 elected to each house, as provided by Subsection (e) of that  
5 section.

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, 2009.