

## **BILL ANALYSIS**

H.B. 1354  
By: Davis, Sarah  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties assert that highly trained municipal inspectors are needed to conduct structural damage surveys following hurricanes, tornados, floods, and other disasters, but a number of city administrators have expressed concern over the potential liability a municipality may incur if a city employee performs disaster damage assessments. H.B. 1354 seeks to address these concerns by extending certain protections to a qualified municipal inspector who volunteers to provide disaster response services.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1354 amends the Civil Practice and Remedies Code to exempt a certified municipal inspector who provides specified services from liability for civil damages, including personal injury, wrongful death, property damage, or other loss related to the inspector's act, error, or omission in the performance of the services, unless the act, error, or omission constitutes gross negligence or wanton, wilful, or intentional misconduct. The bill makes this exemption applicable only to a certified municipal inspector who provides inspection services if the services are authorized by the scope of the inspector's national model code group certification or plumbing inspector's license under state law; are provided voluntarily and without compensation or the expectation of compensation from any source other than the inspector's full-time employment with a municipality; are in response to and provided during the duration of a proclaimed state of emergency or a declared state of disaster under state law; are provided at the request or with the approval of a federal, state, or local public official acting in an official capacity in response to the proclaimed state of emergency or declared disaster, including a law enforcement official, public safety official, or building inspection official; and are related to a structure, building, premises, piping, or other system, either publicly or privately owned.

H.B. 1354 defines "certified municipal inspector" and "national model code group."

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.