

By: Guillen

H.B. No. 1450

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a study regarding tort liability arising from a  
3 volunteer's operation of a Parks and Wildlife Department vehicle.

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

5 SECTION 1. (a) The Parks and Wildlife Department shall  
6 conduct a study and issue a report regarding potential tort  
7 liability arising from the operation of a department-owned motor  
8 vehicle by a person in the course and scope of performing volunteer  
9 services for the department.

10 (b) In conducting the study, the department shall consult  
11 with:

- 12 (1) the Office of the Attorney General;
- 13 (2) the State Office of Risk Management;
- 14 (3) the Texas Department of Insurance;
- 15 (4) organized volunteer groups; and
- 16 (5) other interested persons and organizations.

17 (c) The report required by Subsection (a) of this section  
18 must:

- 19 (1) identify and evaluate alternatives for providing  
20 tort liability protection for persons operating a department-owned  
21 motor vehicle in the course and scope of performing volunteer  
22 services for the department;

- 23 (2) evaluate the extent to which the alternatives  
24 provide protection for members of the public, including visitors to

1 department sites; and

2           (3) make recommendations for providing the tort  
3 liability protection described by Subdivision (1) of this  
4 subsection, including proposed legislative changes necessary to  
5 implement the recommendations, and specify the estimated costs of  
6 implementing the recommendations.

7           (d) The department shall submit the report required by  
8 Subsection (a) of this section not later than December 1, 2012, to:

9           (1) the governor;

10           (2) the lieutenant governor;

11           (3) the speaker of the house of representatives;

12           (4) the chair of the House Committee on Culture,  
13 Recreation, and Tourism; and

14           (5) the chair of the Senate Committee on Natural  
15 Resources.

16           (e) This section expires September 1, 2013.

17           SECTION 2. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2011.