

By: Bonnen

H.B. No. 1911

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the liability of certain persons for damages arising  
3 from training exercises to prepare the persons to respond to  
4 certain emergencies.

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

6 SECTION 1. Chapter 78, Civil Practice and Remedies Code, is  
7 amended by adding Subchapter D to read as follows:

8 SUBCHAPTER D. LIABILITY FOR TRAINING EXERCISES

9 Sec. 78.151. LIABILITY FOR TRAINING EXERCISES. A person is  
10 not liable for damages resulting from the person's execution of a  
11 training exercise intended to prepare the person to respond to a  
12 fire or emergency to which this chapter applies to the same extent  
13 that the person would not be liable under this chapter for damages  
14 resulting from the person's actions in responding to a fire or  
15 emergency.

16 SECTION 2. Chapter 79, Civil Practice and Remedies Code, is  
17 amended by adding Section 79.004 to read as follows:

18 Sec. 79.004. LIABILITY FOR TRAINING EXERCISES. Except in a  
19 case of reckless conduct or intentional, wilful, or wanton  
20 misconduct, a person who is immune from civil liability for an act  
21 or omission that occurs in giving care, assistance, or advice with  
22 respect to the management of an incident to which this chapter  
23 applies is immune from civil liability for an act or omission that  
24 occurs during the execution of a training exercise intended to

1 prepare the person to give that care, assistance, or advice.

2           SECTION 3. This Act applies to an act or omission in  
3 relation to a training exercise the execution of which begins on or  
4 after the effective date of this Act, without regard to whether the  
5 planning or scheduling of the exercise took place before, on, or  
6 after that date.

7           SECTION 4. This Act takes effect September 1, 2011.