

## **BILL ANALYSIS**

Senate Research Center

H.B. 403  
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State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties assert that highly trained municipal inspectors are needed to conduct structural damage surveys following hurricanes, tornadoes, 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. 403 seeks to address these concerns by extending certain protections to a qualified municipal inspector who volunteers to provide disaster response services.

H.B. 403 amends current law relating to liability of certain certified municipal inspectors for services rendered during an emergency or disaster.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 150.001, Civil Practice and Remedies Code, by amending Subdivision (1) to define "certified municipal inspector" and adding Subdivisions (1-a) and (1-b) to define "national model code group" and make a nonsubstantive change.

SECTION 2. Amends Chapter 150, Civil Practice and Remedies Code, by adding Section 150.004, as follows:

Sec. 150.004. **LIABILITY FOR SERVICES RENDERED BY CERTIFIED MUNICIPAL INSPECTOR DURING EMERGENCY OR DISASTER.** (a) Provides that this section applies only to a certified municipal inspector who provides inspection services if the services:

- (1) are authorized by the scope of the inspector's national model code group certification or plumbing inspector's license under Chapter 1301 (Plumbers), Occupations Code;
- (2) are provided voluntarily and without compensation or the expectation of compensation from any source;
- (3) are in response to and provided during the duration of a proclaimed state of emergency under Section 433.001 (Proclamation of State of Emergency), Government Code, or a declared state of disaster under Section 418.014 (Declaration of State of Disaster), Government Code;
- (4) 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

(5) are related to a structure, building, premises, piping, or other system, either publicly or privately owned.

(b) Provides that a certified municipal inspector who provides the services to which this section applies is not liable 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:

(1) gross negligence; or

(2) wanton, wilful, or intentional misconduct.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2013.