

BILL ANALYSIS

H.B. 403
By: Davis, Sarah
Judiciary & Civil Jurisprudence
Committee Report (Amended)

BACKGROUND AND PURPOSE

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.

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. 403 amends the Civil Practice and Remedies Code to grant a certified municipal inspector who provides certain inspection services during an emergency or disaster immunity 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 limits the grant of immunity from civil liability to a certified municipal inspector who provides inspection services that are authorized by the scope of the inspector's national model code group certification or state plumbing inspector's license; that 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; that are in response to and provided during a proclaimed state of emergency or declared state of disaster; that 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 emergency or disaster; and that are related to a structure, building, premises, piping, or other system, either publicly or privately owned.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1

Committee Amendment No. 1 removes the exception for compensation from the certified municipal inspector's full-time employment with a municipality from the condition that the inspection services are provided voluntarily and without compensation from any source.