

BILL ANALYSIS

H.B. 1520
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law provides protections from liability to certain persons and entities that provide volunteer disaster or emergency services. However, interested parties observe that such protections only cover damages arising from the volunteer's actions during the actual response, potentially leaving volunteers and volunteer organizations exposed to liability for damages arising during training exercises, which are often necessary to prepare volunteers to respond to emergency and disaster situations. H.B. 1520 addresses this issue by extending liability protections to certain emergency and disaster volunteers who participate in training exercises.

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. 1520 amends the Civil Practice and Remedies Code to extend the limitations on liability established under statutory provisions providing for the liability of volunteer fire fighters, volunteer fire departments, and nonprofit fire departments and their employees by granting a person immunity from liability for damages resulting from the person's execution of a training exercise intended to prepare the person to respond to a fire or other applicable emergency to the same extent that the person would be immune from liability under those statutory provisions for damages resulting from the person's actions in responding to a fire or emergency.

H.B. 1520 extends the immunity from civil liability granted to a person for an act or omission that occurs in giving care, assistance, or advice with respect to the management of certain hazardous or dangerous incidents to an act or omission that occurs during the execution of a training exercise intended to prepare the person to give that care, assistance, or advice, except in a case of reckless conduct or intentional, wilful, or wanton misconduct.

EFFECTIVE DATE

September 1, 2013.