

By: Bell, Clardy, Otto, Guerra, Flynn,  
et al.

H.B. No. 487

A BILL TO BE ENTITLED

AN ACT

relating to liability of certain persons assisting in man-made or  
natural disasters.

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

SECTION 1. Chapter 370, Local Government Code, is amended  
by adding Section 370.006 to read as follows:

Sec. 370.006. ASSISTANCE IN MAN-MADE OR NATURAL DISASTER.

(a) The governing body of a municipality, the chief of the fire  
department, or an emergency management director or coordinator  
designated for the municipality under Section 418.1015, Government  
Code, may request or accept any care, assistance, or advice  
described by Section 79.003(a), Civil Practice and Remedies Code,  
including the loan or operation of construction equipment or other  
heavy equipment by the owner or operator of the equipment, as  
applicable, or the donation of resources to the extent the  
governing body, chief, or emergency management director or  
coordinator believes necessary to address a man-made or natural  
disaster.

(b) The commissioners court of a county, the county judge,  
the county fire marshal, an incorporated volunteer fire department  
under contract with a county under Section 352.001, a volunteer  
fire department described by Section 352.005, as applicable, or an  
emergency management director or coordinator designated for the  
county under Section 418.1015, Government Code, may request or

1 accept any care, assistance, or advice described by Section  
2 79.003(a), Civil Practice and Remedies Code, including the loan or  
3 operation of construction equipment or other heavy equipment by the  
4 owner or operator of the equipment, as applicable, or the donation  
5 of resources to the extent the commissioners court, county judge,  
6 county fire marshal, volunteer fire department, or emergency  
7 management director or coordinator believes necessary to address a  
8 man-made or natural disaster.

9 (c) A person as defined by Section 79.001, Civil Practice  
10 and Remedies Code, who provides care, assistance, or advice to a  
11 municipality or county in the manner described by this section is  
12 immune from civil liability as provided by Section 79.003, Civil  
13 Practice and Remedies Code.

14 (d) Subsection (a) or (b) does not authorize the acceptance  
15 of care, assistance, or advice in violation of any other law or  
16 contractual agreement that prohibits the acceptance of that care,  
17 assistance, or advice.

18 SECTION 2. Section 370.006, Local Government Code, as added  
19 by this Act, is intended only to clarify existing law with respect  
20 to:

21 (1) the power of certain local officials to request or  
22 accept certain assistance in certain situations; and

23 (2) the applicability of Section 79.003, Civil  
24 Practice and Remedies Code, to certain persons providing certain  
25 assistance in certain situations.

26 SECTION 3. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2013.