

By: Bell

H.B. No. 487

A BILL TO BE ENTITLED

1 AN ACT
2 relating to liability of certain persons assisting in hazardous or
3 dangerous situations.

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

5 SECTION 1. Section 79.003, Civil Practice and Remedies
6 Code, is amended by adding Subsection (c) to read as follows:

7 (c) This section applies to an owner or licensed operator of
8 construction equipment or other heavy equipment who provides
9 voluntary assistance to:

10 (1) a municipality in the manner described by Section
11 342.006, Local Government Code; or

12 (2) a county in the manner described by Section
13 352.024, Local Government Code.

14 SECTION 2. Subchapter A, Chapter 342, Local Government
15 Code, is amended by adding Section 342.006 to read as follows:

16 Sec. 342.006. ASSISTANCE BY VOLUNTEER IN HAZARDOUS OR
17 DANGEROUS SITUATION. The governing body of a municipality, the
18 chief of the fire department, or an emergency management director
19 or coordinator designated for the municipality under Section
20 418.1015, Government Code, may request or accept any voluntary
21 assistance, including the loan or operation of construction
22 equipment or other heavy equipment by the owner or licensed
23 operator of the equipment, as applicable, to the extent the
24 governing body, chief, or emergency management director or

1 coordinator believes necessary to address a hazardous or dangerous
2 situation.

3 SECTION 3. Subchapter B, Chapter 352, Local Government
4 Code, is amended by adding Section 352.024 to read as follows:

5 Sec. 352.024. ASSISTANCE BY VOLUNTEER IN HAZARDOUS OR
6 DANGEROUS SITUATION. The commissioners court of a county, the
7 county fire marshal, an incorporated volunteer fire department
8 under contract with a county under Section 352.001, or an emergency
9 management director or coordinator designated for the county under
10 Section 418.1015, Government Code, may request or accept any
11 voluntary assistance, including the loan or operation of
12 construction equipment or other heavy equipment by the owner or
13 licensed operator of the equipment, as applicable, to the extent
14 the commissioners court, county fire marshal, incorporated
15 volunteer fire department, or emergency management director or
16 coordinator believes necessary to address a hazardous or dangerous
17 situation.

18 SECTION 4. Section 79.003(c), Civil Practice and Remedies
19 Code, and Sections 342.006 and 352.024, Local Government Code, as
20 added by this Act, are intended only to clarify existing law with
21 respect to:

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

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

27 SECTION 5. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2013.