

By: Nichols

S.B. No. 1405

A BILL TO BE ENTITLED

AN ACT

1
2 relating to liability of certain persons assisting in man-made or
3 natural disasters.

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

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

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

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

19 (b) The commissioners court of a county, the county judge,
20 the county fire marshal, an incorporated volunteer fire department
21 under contract with a county under Section 352.001, a volunteer
22 fire department described by Section 352.005, as applicable, or an
23 emergency management director or coordinator designated for the
24 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.