

1-1 By: Uresti S.B. No. 381  
 1-2 (In the Senate - Filed January 28, 2015; February 2, 2015,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 March 16, 2015, reported favorably by the following vote: Yeas 9,  
 1-5 Nays 0; March 16, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to tort liability arising from a volunteer's operation of  
 1-20 a Parks and Wildlife Department motor-driven vehicle or  
 1-21 motor-driven equipment.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter B, Chapter 11, Parks and Wildlife  
 1-24 Code, is amended by adding Section 11.0281 to read as follows:

1-25 Sec. 11.0281. VOLUNTEER LIABILITY AND IMMUNITY. (a) In  
 1-26 this section, "volunteer" means a person rendering services for or  
 1-27 on behalf of the department without the expectation of receiving  
 1-28 monetary compensation from the department other than reimbursement  
 1-29 for expenses incurred by the person during the performance of the  
 1-30 service. The term does not include:

1-31 (1) a person performing services as a result of a  
 1-32 community service or community supervision sentence; or

1-33 (2) an inmate providing labor pursuant to Section  
 1-34 497.091, Government Code, or similar law.

1-35 (b) Except as provided by Subsection (c), a volunteer while  
 1-36 acting within the course and scope of the volunteer's assignment  
 1-37 for the department is immune from civil liability for any act or  
 1-38 omission of the volunteer resulting from the operation or use of a  
 1-39 motor-driven vehicle or motor-driven equipment owned or leased by  
 1-40 the department.

1-41 (c) This section does not apply to an act or omission that is  
 1-42 intentional, wilfully negligent, or done with conscious  
 1-43 indifference or reckless disregard for the safety of others.

1-44 (d) The department shall, from any funds appropriated to the  
 1-45 department, compensate a claimant for property damage, personal  
 1-46 injury, or death proximately caused by the wrongful act or omission  
 1-47 or the negligence of a volunteer acting within the scope of the  
 1-48 volunteer's assignment if:

1-49 (1) the property damage, personal injury, or death  
 1-50 arises from the operation or use of a motor-driven vehicle or  
 1-51 motor-driven equipment owned or leased by the department; and

1-52 (2) the volunteer would be personally liable to the  
 1-53 claimant under the laws of this state in the absence of the immunity  
 1-54 provided by this section.

1-55 (e) The amount of compensation paid under Subsection (d) may  
 1-56 not exceed the maximum amount applicable to a state agency as  
 1-57 specified by Section 101.023(a), Civil Practice and Remedies Code.

1-58 (f) A volunteer operating or using a motor-driven vehicle or  
 1-59 motor-driven equipment owned or leased by the department who is  
 1-60 acting within the course and scope of a volunteer assignment for the  
 1-61 department is exempt from the requirements of Chapter 601,

2-1 Transportation Code.

2-2 (g) Except as provided by Subsection (d), this section does  
2-3 not create any liability of or waive any immunity of the department,  
2-4 employees of the department, or volunteers for the department.

2-5 SECTION 2. The change in law made by Section 11.0281, Parks  
2-6 and Wildlife Code, as added by this Act, applies to an act or  
2-7 omission involving the operation of a motor-driven vehicle or  
2-8 motor-driven equipment occurring on or after the effective date of  
2-9 this Act. An act or omission involving the operation of a  
2-10 motor-driven vehicle or motor-driven equipment that occurs before  
2-11 the effective date of this Act is governed by the law in effect at  
2-12 the time the act or omission occurs, and that law is continued in  
2-13 effect for that purpose.

2-14 SECTION 3. This Act takes effect September 1, 2015.

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