

Amend CSHB 5 (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 264, Family Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. COMMUNITY-BASED FOSTER CARE

Sec. 264.170. LIMITED LIABILITY FOR NONPROFIT SINGLE SOURCE CONTINUUM CONTRACTOR. (a) Except as otherwise provided by this section, a nonprofit entity that contracts with the department to provide foster care services as a single source continuum contractor under this subchapter is, while acting within the scope of the contract between the entity and the department, immune from civil liability for any act or omission of the entity resulting in property damage, personal injury, or death.

(b) Except as otherwise provided by this section, a person who is a director, officer, employee, or volunteer of a nonprofit entity described by Subsection (a) is, while acting in the course and scope of the person's duties for the entity, immune from civil liability for any act or omission resulting in property damage, personal injury, or death.

(c) This section does not limit the liability of a nonprofit entity described by Subsection (a) for:

(1) property damage, personal injury, or death that is caused by gross negligence or intentional acts or omissions by the entity; or

(2) property damage, personal injury, or death caused by a condition or use of tangible personal or real property if the nonprofit entity would be liable to the claimant under state law.

(d) This section does not limit the liability of a person described by Subsection (b) for:

(1) property damage, personal injury, or death that is caused by gross negligence or intentional acts or omissions by the person; or

(2) property damage, personal injury, or death proximately caused by the wrongful act or omission or the negligence of the person acting within the course and scope of the person's duties with the nonprofit entity if:

(A) the property damage, personal injury, or death arises from the operation or use of a motor-driven vehicle or motor-driven equipment; and

(B) the person would be personally liable to the claimant under state law.