

BILL ANALYSIS

Senate Research Center
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H.B. 3365
By: Paul; Farrar (Alvarado)
State Affairs
5/12/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Relating to the civil liability of certain persons providing disaster assistance.

H.B. 3365 amends current law relating to the civil liability of certain persons providing disaster assistance.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 79.003, Civil Practice and Remedies Code, as follows:

Sec. 79.003. DISASTER ASSISTANCE. (a) Provides that, except in a case of reckless conduct or intentional, wilful, or wanton misconduct, a person is immune from civil liability for an act or omission that occurs in giving care, assistance, or advice with respect to the management of an incident:

(1) that is a man-made or natural disaster that endangers or threatens to endanger individuals, property, or the environment, including a major disaster declared by the president of the United States or a disaster declared under Section 418.014 (Declaration of State of Disaster), Government Code, rather than that is a man-made or natural disaster that endangers or threatens to endanger individuals, property, or the environment; and

(2) in which the care, assistance, or advice is provided at the request of:

(A) creates this paragraph from existing text and makes a nonsubstantive change; or

(B) a charitable organization, as that term is defined by Section 84.003 (Definitions), that provides services to mitigate the effects of a disaster described by Subdivision (1).

(b) Provides that Subsection (a), rather than this section, does not apply to a person giving care, assistance, or advice for or in expectation of compensation from or on behalf of the recipient of the care, assistance, or advice in excess of reimbursement for expenses incurred.

(c) Provides that, notwithstanding Chapter 101 (Tort Claims) or any other law, an entity and the authorized representative of the entity are not liable under the laws of this state for the act or omission of a person providing care, assistance, or advice on request under Subsection (a)(2)(A).

(d) Provides that, notwithstanding Chapter 84 (Charitable Immunity and Liability) or any other law, a charitable organization is not liable under the laws of this state for the act or omission of a person providing care, assistance, or advice on request under Subsection (a)(2)(B).

(e) Provides that the immunities provided by this section are in addition to any other immunity or limitations of liability provided by law, including Subchapter D (Emergency Care), Chapter 74, this chapter, or Chapter 78 (Certain Fire Fighters and Fire-Fighting Entities) or 78A (Liability of First Responders For Roadside Assistance) of this code or Section 418.006 (Civil Liability), Government Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2019.