

By: Paul

H.B. No. 3365

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 79.003, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 79.003. DISASTER ASSISTANCE. (a) 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, Government Code; and

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

(A) an authorized representative of a local, state, or federal agency, including a fire department, a police department, an emergency management agency, and a disaster response agency; or

(B) a charitable organization, as that term is defined by Section 84.003, that provides services to mitigate the

1 effects of a disaster described by Subdivision (1).

2 (b) Subsection (a) [~~This section~~] does not apply to a person  
3 giving care, assistance, or advice for or in expectation of  
4 compensation from or on behalf of the recipient of the care,  
5 assistance, or advice in excess of reimbursement for expenses  
6 incurred.

7 (c) Notwithstanding Chapter 101 or any other law, an entity  
8 and the authorized representative of the entity are not liable  
9 under the laws of this state for the act or omission of a person  
10 providing care, assistance, or advice on request under Subsection  
11 (a)(2)(A).

12 (d) Notwithstanding Chapter 84 or any other law, a  
13 charitable organization is not liable under the laws of this state  
14 for the act or omission of a person providing care, assistance, or  
15 advice on request under Subsection (a)(2)(B).

16 (e) The immunities provided by this section are in addition  
17 to any other immunity or limitations of liability provided by law,  
18 including Subchapter D, Chapter 74, this chapter, or Chapter 78 or  
19 78A of this code or Section 418.006, Government Code.

20 SECTION 2. Section 79.003, Civil Practice and Remedies  
21 Code, as amended by this Act, applies only to a cause of action that  
22 accrues on or after the effective date of this Act.

23 SECTION 3. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2019.