

1-1 By: Paul, Farrar (Senate Sponsor - Alvarado) H.B. No. 3365
 1-2 (In the Senate - Received from the House May 6, 2019;
 1-3 May 7, 2019, read first time and referred to Committee on State
 1-4 Affairs; May 14, 2019, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 14, 2019, 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 the civil liability of certain persons providing
 1-20 disaster assistance.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 79.003, Civil Practice and Remedies
 1-23 Code, is amended to read as follows:

1-24 Sec. 79.003. DISASTER ASSISTANCE. (a) Except in a case of
 1-25 reckless conduct or intentional, wilful, or wanton misconduct, a
 1-26 person is immune from civil liability for an act or omission that
 1-27 occurs in giving care, assistance, or advice with respect to the
 1-28 management of an incident:

1-29 (1) that is a man-made or natural disaster that
 1-30 endangers or threatens to endanger individuals, property, or the
 1-31 environment, including a major disaster declared by the president
 1-32 of the United States or a disaster declared under Section 418.014,
 1-33 Government Code; and

1-34 (2) in which the care, assistance, or advice is
 1-35 provided at the request of:

1-36 (A) an authorized representative of a local,
 1-37 state, or federal agency, including a fire department, a police
 1-38 department, an emergency management agency, and a disaster response
 1-39 agency; or

1-40 (B) a charitable organization, as that term is
 1-41 defined by Section 84.003, that provides services to mitigate the
 1-42 effects of a disaster described by Subdivision (1).

1-43 (b) Subsection (a) [This section] does not apply to a person
 1-44 giving care, assistance, or advice for or in expectation of
 1-45 compensation from or on behalf of the recipient of the care,
 1-46 assistance, or advice in excess of reimbursement for expenses
 1-47 incurred.

1-48 (c) Notwithstanding Chapter 101 or any other law, an entity
 1-49 and the authorized representative of the entity are not liable
 1-50 under the laws of this state for the act or omission of a person
 1-51 providing care, assistance, or advice on request under Subsection
 1-52 (a)(2)(A).

1-53 (d) Notwithstanding Chapter 84 or any other law, a
 1-54 charitable organization is not liable under the laws of this state
 1-55 for the act or omission of a person providing care, assistance, or
 1-56 advice on request under Subsection (a)(2)(B).

1-57 (e) The immunities provided by this section are in addition
 1-58 to any other immunity or limitations of liability provided by law,
 1-59 including Subchapter D, Chapter 74, this chapter, or Chapter 78 or
 1-60 78A of this code or Section 418.006, Government Code.

1-61 SECTION 2. Section 79.003, Civil Practice and Remedies

2-1 Code, as amended by this Act, applies only to a cause of action that
2-2 accrues on or after the effective date of this Act.

2-3 SECTION 3. This Act takes effect immediately if it receives
2-4 a vote of two-thirds of all the members elected to each house, as
2-5 provided by Section 39, Article III, Texas Constitution. If this
2-6 Act does not receive the vote necessary for immediate effect, this
2-7 Act takes effect September 1, 2019.

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