

By: Guillen

H.B. No. 323

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

(2) an inmate providing labor pursuant to Section [497.091](#), Government Code, or similar law.

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

(c) This section does not apply to an act or omission that is

1 intentional, wilfully negligent, or done with conscious
2 indifference or reckless disregard for the safety of others.

3 (d) The department shall, from any funds appropriated to the
4 department, compensate a claimant for property damage, personal
5 injury, or death proximately caused by the wrongful act or omission
6 or the negligence of a volunteer acting within the scope of the
7 volunteer's assignment if:

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

11 (2) the volunteer would be personally liable to the
12 claimant under the laws of this state in the absence of the immunity
13 provided by this section.

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

17 (f) A volunteer operating or using a motor-driven vehicle or
18 motor-driven equipment owned or leased by the department who is
19 acting within the course and scope of a volunteer assignment for the
20 department is exempt from the requirements of Chapter 601,
21 Transportation Code.

22 (g) Except as provided by Subsection (d), this section does
23 not create any liability of or waive any immunity of the department,
24 employees of the department, or volunteers for the department.

25 SECTION 2. The change in law made by Section 11.0281, Parks
26 and Wildlife Code, as added by this Act, applies to an act or
27 omission involving the operation of a motor-driven vehicle or

1 motor-driven equipment occurring on or after the effective date of
2 this Act. An act or omission involving the operation of a
3 motor-driven vehicle or motor-driven equipment that occurs before
4 the effective date of this Act is governed by the law in effect at
5 the time the act or omission occurs, and that law is continued in
6 effect for that purpose.

7 SECTION 3. This Act takes effect September 1, 2015.