

**SUBJECT:** Liability protection for volunteers assisting first responders

**COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment

**VOTE:** 7 ayes — Jackson, Lewis, Castro, Raymond, Scott, Thompson, Woolley  
0 nays  
1 present not voting — Hartnett  
3 absent — Bohac, S. Davis, Madden

**SENATE VOTE:** On final passage, April 29 — 31-0

**WITNESSES:** For — Stephanie Dew, Regnier and Associates; A.R. Schwartz, for Ted Regnier; (*Registered, but did not testify:* Ted Regnier, Volunteer Firemen's Insurance Services)  
Against — None

**BACKGROUND:** Civil Practice and Remedies Code, sec. 101.023, limits the liability of an emergency service organization to \$100,000 for each person, \$300,000 for a single incident involving bodily injury or death, and \$100,000 for a single incident involving property damage. An emergency service organization is defined as a volunteer fire department, rescue squad, or emergency medical services provider that is operated by its members and exempt from state taxes.

**DIGEST:** SB 1560 would extend emergency service organization liability protections to a local emergency management or homeland security organization.  
  
The bill would expand the definition of emergency service organization to include a local emergency management or homeland security organization that was formed and operated as a state resource in accordance with the statewide homeland security strategy developed by the governor and was responsive to the Texas Division of Emergency Management in carrying out an all-hazards emergency management program.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011. The bill would apply to a cause of action that accrued on or after the effective date.

**SUPPORTERS  
SAY:**

SB 1560 would encourage and maintain volunteer organizations that help first responders by providing those organizations with liability protection. To prevent local emergency services from becoming overwhelmed in disasters, such as hurricanes and floods, local communities have begun creating Citizen Corps programs to educate and train volunteers about disaster preparedness and basic disaster response skills. Volunteers are placed in groups and provided with equipment and ongoing training. These volunteer groups serve their communities in the same way as local volunteer fire departments and volunteer emergency medical services organizations and deserve the same liability protections.

**OPPONENTS  
SAY:**

SB 1560 would limit the rights of injured parties to receive compensation for the harms done to them. This liability limit would not reduce the number of suits filed or make the tort system any more expedient. The only goal accomplished would be to limit the recovery of bona fide injured parties.

**OTHER  
OPPONENTS  
SAY:**

The bill as written is too broad. It is not clear who is “responsive” to the Texas Division of Emergency Management. The Legislature should make sure that groups granted immunity are narrowly defined.