

BILL ANALYSIS

Senate Research Center

H.B. 2169
By: Kubiak (Armbrister)
Jurisprudence
5-17-97
Engrossed

DIGEST

Current law does not classify volunteer emergency medical service providers as "governmental units," although volunteer fire departments are granted that distinction. While the liability for volunteer fire departments is capped at \$100,000 per person and \$300,000 per occurrence, as is the liability for other governmental units, the equivalent volunteer emergency medical services are not. This creates a financial burden for volunteer emergency medical service providers, who are often the sole source of emergency medical attention for rural citizens throughout the state. H.B. 2169 adds to the definition of a governmental unit the term "emergency service organization," a term which encompasses volunteer fire departments, rescue squads, and non-profit and volunteer emergency medical service providers. Their liability is capped in a fashion similar to other governmental units.

PURPOSE

As proposed, H.B. 2169 establishes the liability of certain persons and organizations that provide emergency services.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 101.001, Civil Practice and Remedies Code, to define "emergency service organization" to mean a volunteer fire department, rescue squad, or an emergency medical services provider that meets certain qualifications. Redefines "governmental unit" to include an emergency service organization, rather than a volunteer fire department. Deletes the definition of "volunteer fire department." Makes conforming changes.

SECTION 2. Amends Section 101.023(d), Civil Practice and Remedies Code, to provide that, except as provided by Section 78.001, liability of an emergency service organization, rather than a volunteer fire department, is limited to money damages in a certain maximum amount.

SECTION 3. Amends Section 4(b), Article 21.61, Insurance Code, to require the coverage to be subject to a maximum limit of \$100,000 for each person, \$300,000 for each single occurrence for bodily injury or death, and \$100,000 for each single occurrence for injury to or destruction of property. Deletes existing text requiring coverage to be subject to a maximum limit of \$100,000 for damages for bodily injury or death or property damage out of a single occurrence.

SECTION 4. Makes application of this Act prospective to January 1, 1998, regarding Section 4(b), Article 21.61, Insurance Code.

SECTION 5. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 6. Emergency clause.