

BILL ANALYSIS

Senate Research Center

H.B. 680
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Jurisprudence
3-27-97
Engrossed

DIGEST

Currently, industrial companies which might otherwise donate used or obsolete firefighting equipment to volunteer fire departments do not do so, because of liability concerns. Most rural and volunteer fire departments cannot afford to purchase new equipment. This bill provides that companies could donate used or obsolete firefighting equipment to the Texas Forest Service for redistribution to volunteer fire departments without liability beyond what would be expected in instances of gross negligence, recklessness, or intentional misconduct.

PURPOSE

As proposed, H.B. 680 provides that companies could donate used or obsolete firefighting equipment to the Texas Forest Service for redistribution to volunteer fire departments without liability beyond what would be expected in instances of gross negligence, recklessness, or intentional misconduct.

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 88.106, Education Code, as follows:

Sec. 88.106. New heading: COOPERATION WITH FEDERAL AGENCIES; RURAL FIRE PROTECTION PLANS; FIRE TRAINING; DISPOSITION OF USED OR OBSOLETE EQUIPMENT. Authorizes the director of the Texas Forest Service to sell, lend, or otherwise make available to volunteer fire departments, rather than organized fire fighting groups, used or obsolete fire control or fire rescue equipment. Authorizes a person to donate used fire control or fire rescue equipment. Sets forth civil liability for damages from defects in donated equipment. Defines "fire control or fire rescue equipment." Makes conforming and nonsubstantive changes.

SECTION 2 Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.