

**SUBJECT:** Liability immunity for volunteer emergency service employees

**COMMITTEE:** Civil Practices — favorable, with amendment

**VOTE:** 5 ayes — Gray, Hilbert, Goodman, Nixon, Roman  
0 nays  
4 absent — Alvarado, Bosse, Dutton, Zbranek

**WITNESSES:** For — Ted Regnier, Volunteer Fireman’s Insurance Service; Lisa Ivie, State Fireman’s and Fire Marshall’s Association of Texas  
Against — Chris Elliot, Texas Trial Lawyers Association  
On — None

**BACKGROUND :** HB 2603 by Kubiak, et al., enacted in 1995 by the 74th Legislature, extended the immunity from liability given to employees of the state or political subdivisions to employees of volunteer fire departments. In order to obtain immunity from liability, the volunteer fire department must obtain liability insurance coverage of \$100,000 for each person, \$300,000 for each single occurrence and \$100,000 for property damage. Liability is limited to the insured amounts for actions done within the normal duties of the fire department.

**DIGEST:** HB 2169 would extend the liability protection given to volunteer fire departments to all emergency service organizations including fire departments, rescue squads and other emergency medical services providers that are operated by its members and exempt from state taxes.  
HB 2169 would take effect on September 1, 1997, and apply only to a cause of action that accrued on or after that date.

**SUPPORTERS SAY:** Emergency service organizations provide essential services to many small communities not served by a municipal fire department or rescue personnel. However, in our increasingly litigious society, emergency service organizations are becoming more susceptible to civil liability suits for

simply trying to do whatever they can to save lives or stop fires. These organizations should be entitled to the same status as municipal fire departments or emergency service providers regarding their civil liability.

HB 2169 would actually enhance the ability of injured persons to recover for their injuries because it would require these emergency service organizations to obtain liability insurance. If injured persons sue one of these organization without insurance, they are not likely to collect any money because the organization is non-profit. By requiring these organizations to obtain insurance in order to receive the liability limitations, more organizations would have insurance to cover any injuries that may occur in the performance of their duties.

The 74th Legislature limited the liability of volunteer fire departments but did not include other types of volunteer emergency service personnel. Under HB 2169, all emergency service personnel would have the same rights and responsibilities as other emergency service workers

**OPPONENTS  
SAY:**

This bill 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 against public servants nor make the tort system any more expedient; the only goal accomplished would be to limit the recovery of bona fide injured parties.

**NOTES:**

The committee amendment to HB 2169 would make a technical correction changing the section number of a section referenced by the bill.