

SUBJECT: Limiting liability of certain city inspectors during an emergency or disaster

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Jackson, Lewis, Bohac, Castro, S. Davis, Hartnett, Madden, Scott, Woolley

1 nay — Raymond

1 present not voting — Thompson

WITNESSES: For — John Brown, Jim Olk, Building Officials Association of Texas; (*Registered, but did not testify:* Bruce Braley, Building Official Association of Texas; Mindy Ellmer, International Code Council; Bill Longley, Texas Municipal League; TJ Patterson, City of Fort Worth)

Against — None

DIGEST: HB 1354 would make a certified municipal inspector not liable for civil damages for an act, error, or omission that occurred in the performance of his or her services, unless it constituted gross negligence or wanton, willful, or intentional misconduct. The liability would be limited only if the inspector provided services during a state emergency or disaster at certain public or private structures.

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. Any cause of action that occurred before the effective date of the bill would be governed by current law.

SUPPORTERS SAY: During a state emergency or disaster, certain city inspectors, including licensed plumbers, are a vital resource in conducting damage assessment of various buildings. Without liability protection, qualified volunteer inspectors are discouraged from offering their services during emergencies and disasters. HB 1354 would extend Good Samaritan protections to these inspectors by limiting their liability to cases of gross negligence or intentional misconduct.

OPPONENTS
SAY:

HB 1354 would set an artificial limit on liability regarding the actions of city inspectors. This would prevent those negatively affected from seeking a settlement for personal injury, property damage, or even wrongful death.