

## **BILL ANALYSIS**

Senate Research Center  
82R15752 SLB-D

H.B. 1450  
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Agriculture & Rural Affairs  
5/6/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Texas Parks and Wildlife Department (TPWD) used hundreds of volunteers throughout the agency to perform diverse tasks that would otherwise be done by TPWD staff. In recent years, it has become difficult for TPWD to obtain private insurance that would cover its volunteers when they operate TPWD vehicles. If a park visitor is the victim of a motor vehicle accident caused by the negligence of a park worker, the visitor's ability to recover damages from TPWD depends on whether the worker is an employee or a volunteer because TPWD is not liable for motor vehicle accidents caused by volunteers. H.B. 1450 addresses this situation by requiring TPWD to perform a study regarding potential tort liability arising from the operation of a TPWD-owned motor vehicle by a volunteer.

H.B. 1450 amends current law relating to a study regarding tort liability arising from a volunteer's operation of a Parks and Wildlife Department vehicle.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. (a) Requires the Parks and Wildlife Department (TPWD) to conduct a study and issue a report regarding potential tort liability arising from the operation of a TPWD-owned motor vehicle by a person in the course and scope of performing volunteer services for TPWD.

(b) Requires TPWD, in conducting the study, to consult with:

- (1) the Office of the Attorney General;
- (2) the State Office of Risk Management;
- (3) the Texas Department of Insurance;
- (4) organized volunteer groups; and
- (5) other interested persons and organizations.

(c) Requires that the report required by Subsection (a) of this section:

- (1) identify and evaluate alternatives for providing tort liability protection for persons operating a department-owned motor vehicle in the course and scope of performing volunteer services for TPWD;
- (2) evaluate the extent to which the alternatives provide protection for members of the public, including visitors to TPWD sites; and
- (3) make recommendations for providing the tort liability protection described by Subdivision (1) of this subsection, including proposed legislative changes

necessary to implement the recommendations, and specify the estimated costs of implementing the recommendations.

(d) Requires TPWD to submit the report required by Subsection (a) of this section not later than December 1, 2012, to:

- (1) the governor;
- (2) the lieutenant governor;
- (3) the speaker of the house of representatives;
- (4) the chair of the House Committee on Culture, Recreation, and Tourism; and
- (5) the chair of the Senate Committee on Natural Resources.

(e) Provides that this section expires September 1, 2013.

SECTION 2. Effective date: upon passage or September 1, 2011.