

## **BILL ANALYSIS**

Senate Research Center

S.B. 381  
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State Affairs  
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Enrolled

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

Volunteers are essential to the operations of a state park. State park volunteers save taxpayers money by performing duties and services that would otherwise be performed by a paid employee. However, under current law volunteers working with the Texas Parks and Wildlife Department (TPWD) cannot operate a TPWD vehicle as they are not covered under state liability. The inability to operate a vehicle, especially in larger state parks that have over 300 campsites, restricts a volunteer's ability to augment park staff. S.B. 381 extends state liability protections to state parks volunteers who are acting within the scope of their assigned duties. The protections would not apply in instances of reckless or negligent behavior.

S.B. 381 amends current law relating to tort liability arising from a volunteer's operation of a Parks and Wildlife Department motor-driven vehicle or motor-driven equipment.

### **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. Amends Subchapter B, Chapter 11, Parks and Wildlife Code, by adding Section 11.0281, as follows:

Sec. 11.0281. VOLUNTEER LIABILITY AND IMMUNITY. (a) Defines "volunteer."

(b) Provides that except as provided by Subsection (c), a volunteer while acting within the course and scope of the volunteer's assignment for the Texas Parks and Wildlife Department (TPWD) is immune from civil liability for any act or omission of the volunteer resulting from the operation or use of a motor-driven vehicle or motor-driven equipment owned or leased by TPWD.

(c) Provides that this section does not apply to an act or omission that is intentional, wilfully negligent, or done with conscious indifference or reckless disregard for the safety of others.

(d) Requires TPWD, from any funds appropriated to TPWD, to compensate a claimant for property damage, personal injury, or death proximately caused by the wrongful act or omission or the negligence of a volunteer acting within the scope of the volunteer's assignment if:

(1) the property damage, personal injury, or death arises from the operation or use of a motor-driven vehicle or motor-driven equipment owned or leased by TPWD; and

(2) the volunteer would be personally liable to the claimant under the laws of this state in the absence of the immunity provided by this section.

(e) Prohibits the amount of compensation paid under Subsection (d) from exceeding the maximum amount applicable to a state agency as specified by Section 101.023(a) (relating to providing that liability of the state government is limited to certain amounts of money), Civil Practice and Remedies Code.

(f) Provides that a volunteer operating or using a motor-driven vehicle or motor-driven equipment owned or leased by TPWD who is acting within the course and scope of a volunteer assignment for TPWD is exempt from the requirements of Chapter 601 (Motor Vehicle Safety Responsibility Act), Transportation Code.

(g) Provides that, except as provided by Subsection (d), this section does not create any liability of or waive any immunity of TPWD, employees of TPWD, or volunteers for TPWD.

SECTION 2. Provides that the change in law made by Section 11.0281, Parks and Wildlife Code, as added by this Act, applies to an act or omission involving the operation of a motor-driven vehicle or motor-driven equipment occurring on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.