

BILL ANALYSIS

H.B. 323
By: Guillen
Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Due to the size of Texas state parks, wildlife management areas, and other properties of the Parks and Wildlife Department (TPWD), using motor-driven vehicles may sometimes be necessary to carry out various tasks more efficiently within such land. Interested parties contend that current law lacks provisions adequately protecting a TPWD volunteer from liability in regard to the operation of a TPWD vehicle during the course of the volunteer's assignment. These parties assert that concerns regarding volunteer liability prevent operation of TPWD vehicles by volunteers and thus prevent full utilization of volunteer services in state parks and other land. H.B. 323 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 323 amends the Parks and Wildlife Code to grant immunity from civil liability to a volunteer acting within the course and scope of the volunteer's assignment for the Parks and Wildlife Department (TPWD) 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. The bill 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. The bill defines "volunteer" as a person rendering services for or on behalf of TPWD without the expectation of receiving monetary compensation from TPWD other than reimbursement for expenses incurred by the person during the performance of the service and excludes from the definition of that term a person performing services as a result of a community service or community supervision sentence or an inmate providing labor under a specified Government Code provision or similar law.

H.B. 323 requires TPWD, from any funds appropriated to it, 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 the damage, injury, or death arises from the operation or use of a motor-driven vehicle or motor-driven equipment owned or leased by TPWD and if the volunteer would be personally liable to the claimant under state law in the absence of the immunity provided by the bill. The bill establishes that, except as provided by this compensation requirement, its provisions do not create any liability of or waive any immunity of TPWD or its employees or volunteers. The bill

caps the compensation amount at the maximum amount applicable to a state agency for tort claims as specified in the Civil Practice and Remedies Code. The bill exempts from the requirements of the Texas Motor Vehicle Safety Responsibility Act 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.

EFFECTIVE DATE

September 1, 2015.