

Liability: Disaster Assistance

Tex. Civ. Prac. & Rem. Code 79.002

An individual who, without compensation, provides care, assistance, or advice relating to the storage or transportation of hazardous material during a discharge of hazardous material will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Hazardous Materials

(a) Except in a case of reckless conduct or intentional, willful, or wanton misconduct, a person is immune from civil liability for an act or omission that occurs in giving care, assistance, or advice with respect to the management of an incident that:

(1) has already occurred;

(2) is related to the storage or transportation of a hazardous material; and

(3) endangers or threatens to endanger individuals, property, or the environment as a result of the spillage, seepage, or other release of a hazardous material or as a result of fire or explosion involving a hazardous material.

(b) This section does not apply to a person giving care, assistance, or advice for or in expectation of compensation from or on behalf of the recipient of the care, assistance, or advice in excess of reimbursement for expenses incurred.