

CHAPTER 875

H.B. No. 2237

AN ACT

relating to qualified immunity from civil liability for certain impartial third parties who conduct or facilitate alternative dispute resolution procedures.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter C, Chapter 154, Civil Practice and Remedies Code, is amended by adding Section 154.055 to read as follows:

*Sec. 154.055. QUALIFIED IMMUNITY OF IMPARTIAL THIRD PARTIES. (a) A person appointed to facilitate an alternative dispute resolution procedure under this subchapter or under Chapter 152 relating to an alternative dispute resolution system established by counties, or appointed by the parties whether before or after the institution of formal judicial proceedings, who is a volunteer and who does not act with wanton and wilful disregard of the rights, safety, or property of another, is immune from civil liability for any act or omission within the course and scope of his or her duties or functions as an impartial third party. For purposes of this section, a volunteer impartial third party is a person who does not receive compensation in excess of reimbursement for expenses incurred or a stipend intended as reimbursement for expenses incurred.*

*(b) This section neither applies to nor is it intended to enlarge or diminish any rights or immunities enjoyed by an arbitrator participating in a binding arbitration pursuant to any applicable statute or treaty.*

SECTION 2. This Act takes effect September 1, 1993, and applies to all acts or omissions alleged against an impartial third party occurring in connection with an alternative dispute resolution proceeding on or after that date. Causes for which the original petition was filed before the effective date of this Act are covered by the law as it existed on the date the case was filed, and that law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

Passed by the House on May 8, 1993, by a non-record vote; passed by the Senate on May 29, 1993: Yeas 31, Nays 0.

Approved June 18, 1993.

Effective Sept. 1, 1993.