

SENATE BILL 2248

By Kyle

AN ACT to amend Tennessee Code Annotated, Section 58-2-121, relative to liability in an emergency situation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 58-2-121, is amended by deleting the section in its entirety and substituting instead the following:

(a) Any person, public or private, owning or controlling real estate or other premises, who voluntarily and without compensation grants a license or privilege or otherwise permits the designation by TEMA or EMA for use of the whole or any part of such real estate or premises for the purpose of sheltering persons or providing services to persons at the request of federal, state, or local government during an actual, impending, mock or practice emergency, together with such person's successor in interest, if any, shall not be liable for:

(1) The death of, or injury to, any person on or about such real estate or premises during the actual, impending, mock, or practice emergency; or

(2) Loss of, or damage to, the property of such person, solely by reason or as a result of such license, privilege, designation, or use, unless the gross negligence or the willful and wanton misconduct of such person owning or controlling such real estate or premises or such person's successor in interest is the proximate cause of such death, injury, loss, or damage occurring during such sheltering period or period during which services are provided at the request of the federal, state, or local government.

(b) Any person who causes the death of or injury to any person, or the loss of or damage to the property of any person in performing services requested by the federal, state, or local government during an actual, impending, mock or practice emergency shall be immune from liability, unless the damage results from gross negligence or willful or wanton misconduct.

(c) The immunities provided in this section shall not apply to any person whose act or omission caused in whole or in part the emergency and who would otherwise be liable therefore.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.