

BILL ANALYSIS

C.S.H.B. 1699
By: Kuempel
Civil Practices
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Contractors repairing, constructing or maintaining highways, roads, or streets on behalf of the state must conform to the work specifications set by the governmental unit overseeing the project. Sometimes those specifications may be inadequate or flawed to such a degree as to threaten or cause harm or damage to some person or some property. Currently, contractors may be held liable for mistakes in work specifications set by the state.

CSHB 1699 provides that a contractor performing highway, road, or street repairs, construction or maintenance on behalf of the state may not be held liable for damage or injury resulting from work performed in substantial compliance with contract documents set by the state.

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

CSHB 1699 amends the Civil Practice and Remedies Code to protect contractors who construct, repair or maintain a highway, road or street for a governmental entity from liability for personal injury, property damage, or death arising from work performed in substantial compliance with contract documents for the construction, repair or maintenance.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute is a Texas Legislative Council draft and adds contractors who perform maintenance work of a highway, road or street for a governmental unit to those protected by this section. Also, "substantial compliance with all specifications" was changed to "substantial compliance with all contract documents".