

## **BILL ANALYSIS**

Senate Research Center

S.B. 724  
By: Williams  
Infrastructure Development and Security  
8/25/2003  
Enrolled

### **DIGEST AND PURPOSE**

Currently, under the Texas Tort Claims Act, the governor must approve any settlement between a state agency and a claimant. As a result, as much as twelve weeks may be added to the process. S.B. 724 authorizes the Texas Department of Transportation (TxDOT) to settle claims under \$10,000 without the approval of the governor. This bill allows TxDOT to settle smaller claims alleging that TxDOT equipment or vehicles injured someone or damaged someone's property without having to wait for the governor's approval.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 201.106, Transportation Code, as follows:

Sec. 201.106. New heading: SETTLEMENT OF CLAIMS; PURCHASE OF LIABILITY INSURANCE. (a) Provides that this section applies to a claim against the Texas Department of Transportation (TxDOT) arising from the use, operation, or maintenance of equipment that is used or may be used in connection with the laying out, construction, or maintenance of the roads, highways, rest areas, or other public grounds in this state.

(b) Authorizes TxDOT to settle a claim described by Subsection (a) under certain conditions.

(c) Provides that Section 101.105 (Settlement), Civil Practices and Remedies Code, does not apply to a settlement under this section.

(d) Provides that settlement of a claim under this section bars any action involving the same subject matter by the claimant against TxDOT employees whose act or omission gave rise to the claim.

(e) Creates this subsection from existing text. Authorizes TxDOT to insure the officers and employees of TxDOT for liability arising from a claim described by Subsection (a). Makes nonsubstantive changes.

Redesignates Subsections (c)-(d) as (f)-(g).

SECTION 2. (a) Effective date: upon passage or September 1, 2003.

(b) Makes application of this Act prospective.