

1-1 By: Kuempel (Senate Sponsor - Averitt) H.B. No. 1699
1-2 (In the Senate - Received from the House May 12, 2003;
1-3 May 13, 2003, read first time and referred to Committee on
1-4 Infrastructure Development and Security; May 22, 2003, reported
1-5 favorably by the following vote: Yeas 7, Nays 0; May 22, 2003, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the liability of certain highway, road, and street
1-10 contractors.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 97, Civil Practice and Remedies Code, is
1-13 amended by adding Section 97.002 to read as follows:

1-14 Sec. 97.002. LIMIT ON LIABILITY OF CERTAIN HIGHWAY, ROAD,
1-15 AND STREET CONTRACTORS. A contractor who constructs or repairs a
1-16 highway, road, or street for the Texas Department of Transportation
1-17 is not liable to a claimant for personal injury, property damage, or
1-18 death arising from the performance of the construction or repair
1-19 if, at the time of the personal injury, property damage, or death,
1-20 the contractor is in compliance with contract documents material to
1-21 the condition or defect that was the proximate cause of the personal
1-22 injury, property damage, or death.

1-23 SECTION 2. The heading to Chapter 97, Civil Practice and
1-24 Remedies Code, is amended to read as follows:

1-25 CHAPTER 97. LIABILITY OF PERSONS PROVIDING SERVICES FOR A
1-26 GOVERNMENTAL UNIT [~~CORRECTIONAL FACILITIES AND OFFICERS BARRED FOR~~
1-27 ~~CERTAIN ACTS OF INMATES~~]

1-28 SECTION 3. The heading to Section 97.001, Civil Practice
1-29 and Remedies Code, is amended to read as follows:

1-30 Sec. 97.001. LIABILITY OF CORRECTIONAL FACILITIES AND
1-31 OFFICERS BARRED FOR CERTAIN ACTS OF INMATES.

1-32 SECTION 4. This Act takes effect September 1, 2003, and
1-33 applies only to a cause of action that accrues on or after that
1-34 date. An action that accrued before the effective date of this Act
1-35 is governed by the law applicable to the action immediately before
1-36 the effective date of this Act, and that law is continued in effect
1-37 for that purpose.

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