

1-1 By: Williams S.B. No. 724
1-2 (In the Senate - Filed February 26, 2003; March 3, 2003,
1-3 read first time and referred to Committee on Infrastructure
1-4 Development and Security; March 17, 2003, reported favorably by
1-5 the following vote: Yeas 9, Nays 0; March 17, 2003, sent to
1-6 printer.)

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

1-9 relating to the settlement of certain claims against the Texas
1-10 Department of Transportation.

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

1-12 SECTION 1. Section 201.106, Transportation Code, is amended
1-13 to read as follows:

1-14 Sec. 201.106. SETTLEMENT OF CLAIMS; PURCHASE OF LIABILITY
1-15 INSURANCE. (a) This section applies to a claim against [The
1-16 commission may insure the officers and employees of] the department
1-17 [from liability] arising from the use, operation, or maintenance of
1-18 equipment that is used or may be used in connection with the laying
1-19 out, construction, or maintenance of the roads, highways, rest
1-20 areas, or other public grounds in this state.

1-21 (b) The department may settle a claim described by
1-22 Subsection (a) if:

1-23 (1) the department may be liable under Chapter 101,
1-24 Civil Practice and Remedies Code;

1-25 (2) the director determines that a settlement is in
1-26 the best interest of the department; and

1-27 (3) the department's liability under the terms of the
1-28 settlement is less than \$10,000.

1-29 (c) Section 101.105, Civil Practice and Remedies Code, does
1-30 not apply to a settlement under this section.

1-31 (d) Settlement of a claim under this section bars any action
1-32 involving the same subject matter by the claimant against the
1-33 department employees whose act or omission gave rise to the claim.

1-34 (e) The department may insure the officers and employees of
1-35 the department for liability arising from a claim described by
1-36 Subsection (a). Coverage under this subsection [section] must be
1-37 provided by the purchase of a policy of liability insurance from a
1-38 reliable insurance company authorized to do business in this state.
1-39 The form of the policy must be approved by the commissioner of
1-40 insurance, and the coverage must be approved by the attorney
1-41 general.

1-42 (f) [(c)] This section is not a waiver of immunity of the
1-43 state from liability for the torts or negligence of an officer or
1-44 employee of this state.

1-45 (g) [(d)] In this section, "equipment" includes an
1-46 automobile, motor truck, trailer, aircraft, motor grader, roller,
1-47 tractor, tractor power mower, and other power equipment.

1-48 SECTION 2. (a) This Act takes effect immediately if it
1-49 receives a vote of two-thirds of all the members elected to each
1-50 house, as provided by Section 39, Article III, Texas Constitution.
1-51 If this Act does not receive the vote necessary for immediate
1-52 effect, this Act takes effect September 1, 2003.

1-53 (b) This Act applies only to a cause of action that accrues
1-54 on or after the effective date of this Act. A cause of action that
1-55 accrues before the effective date of this Act is governed by the law
1-56 in effect immediately before the effective date of this Act, and the
1-57 former law is continued in effect for that purpose.

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